



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ - ೧೫೮ Volume - 158	ಬೆಂಗಳೂರು, ಬುಧವಾರ, ೧೧, ಅಕ್ಟೋಬರ್, ೨೦೨೩(ಆಶ್ವಯುಜ , ೧೯, ಶಕವರ್ಷ, ೧೯೪೫) BENGALURU, WEDNESDAY, 11, OCTOBER, 2023(AASHWAYUJA, 19, SHAKAVARSHA, 1945)	ಸಂಚಿಕೆ ೧೯೭ Issue 197
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ಭಾಗ ೪

ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು,
ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ
ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು
ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ
ಪುನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 40 ಕೇಶಾಪು 2023

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 06.10.2023.

ದಿನಾಂಕ: 15.09.2023 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ
Part-II-Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE MEDIATION ACT, 2023 (NO. 32 OF 2023) ಅನ್ನು
ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-



भारत का राजपत्र The Gazette of India

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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 35] नई दिल्ली, शुक्रवार, सितम्बर 15, 2023/ भाद्रपद 24, 1945 (शक)
No. 35] NEW DELHI, FRIDAY, SEPTEMBER 15, 2023/BHADRA 24, 1945 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 15th September, 2023/Bhadra 24, 1945 (Saka)

The following Act of Parliament received the assent of the President on the 14th September, 2023 and is hereby published for general information:—

THE MEDIATION ACT, 2023

No. 32 OF 2023

[14th September, 2023.]

An Act to promote and facilitate mediation, especially institutional mediation, for resolution of disputes, commercial or otherwise, enforce mediated settlement agreements, provide for a body for registration of mediators, to encourage community mediation and to make online mediation as acceptable and cost effective process and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

- (1) This Act may be called the Mediation Act, 2023.
- (2) It shall extend to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification, appoint and different dates may be appointed for different provisions of this Act and any

Short title,
extent and
commencement.

reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

CHAPTER II

APPLICATION

Application.

2. This Act shall apply where mediation is conducted in India, and—

(i) all or both parties habitually reside in or are incorporated in or have their place of business in India; or

(ii) the mediation agreement provides that any dispute shall be resolved in accordance with the provisions of this Act; or

(iii) there is an international mediation; or

(iv) wherein one of the parties to the dispute is the Central Government or a State Government or agencies, public bodies, corporations and local bodies, including entities controlled or owned by such Government and where the matter pertains to a commercial dispute; or

(v) to any other kind of dispute if deemed appropriate and notified by the Central Government or a State Government from time to time, for resolution through mediation under this Act, wherein such Governments, or agencies, public bodies, corporations and local bodies including entities controlled or owned by them, is a party.

Definitions.

3. In this Act, unless the context otherwise requires,—

(a) "commercial dispute" means a dispute defined in clause (c) of sub-section (1) of section 2 of the Commercial Courts Act, 2015;

4 of 2016.

(b) "community mediator" means a mediator for the purposes of conduct of community mediation under Chapter X;

(c) "Council" means the Mediation Council of India established under section 31;

(d) "court" means the competent court in India having pecuniary and territorial jurisdiction and having jurisdiction to decide the disputes forming the subject matter of mediation, if the same had been the subject matter of a suit or proceeding;

(e) "court-annexed mediation" means mediation including pre-litigation mediation conducted at the mediation centres established by any court or tribunal;

(f) "institutional mediation" means mediation conducted under the aegis of a mediation service provider;

(g) "international mediation" means mediation undertaken under this Act and relates to a commercial dispute arising out of a legal relationship, contractual or otherwise, under any law for the time being in force in India, and where at least one of the parties, is—

(i) an individual who is a national of, or habitually resides in, any country other than India; or

(ii) a body corporate including a Limited Liability Partnership of any nature, with its place of business outside India; or

(iii) an association or body of individuals whose place of business is outside India; or

(iv) the Government of a foreign country;

(h) "mediation" includes a process, whether referred to by the expression mediation, pre-litigation mediation, online mediation, community mediation, conciliation or an expression of similar import, whereby parties attempt to reach an amicable settlement of their dispute with the assistance of a third person referred to as mediator, who does not have the authority to impose a settlement upon the parties to the dispute;

(i) "mediator" means a person who is appointed to be a mediator, by the parties or by a mediation service provider, to undertake mediation, and includes a person registered as mediator with the Council.

Explanation.—Where more than one mediator is appointed for a mediation, reference to a mediator under this Act shall be a reference to all the mediators;

(j) "mediation agreement" means a mediation agreement referred to in sub-section (1) of section 4;

(k) "mediation communication" means communication made, whether in electronic form or otherwise, through—

(i) anything said or done;

(ii) any document; or

(iii) any information provided,

for the purposes of, or in relation to, or in the course of mediation, and includes a mediation agreement or a mediated settlement agreement;

(l) "mediation institute" means a body or organisation that provides training, continuous education and certification of mediators and carries out such other functions under this Act;

(m) "mediation service provider" means a mediation service provider referred to in sub-section (1) of section 40;

(n) "mediated settlement agreement" means mediated settlement agreement referred to in sub-section (1) of section 19;

(o) "Member" means a Full-Time or Part-Time Member of the Council and includes the Chairperson;

(p) "notification" means notification published in the Official Gazette and the expression "notified" with its cognate meanings and grammatical variations shall be construed accordingly;

(q) "online mediation" means online mediation referred to in section 30;

(r) "participants" means persons other than the parties who participate in the mediation and includes advisers, advocates, consultants and any technical experts and observers;

(s) "party" means a party to a mediation agreement or mediation proceeding whose agreement or consent is necessary to resolve the dispute and includes their successors;

(t) "place of business" includes—

(a) a place from where the business is ordinarily carried on, and includes a warehouse, a godown or any other place where a party stores its goods, supplies or receives goods or services or both; or

(b) a place where a party maintains its books of account; or

(c) a place where a party is engaged in business through an agent, by whatever name called;

(u) "pre-litigation mediation" means a process of undertaking mediation, as provided under section 5, for settlement of disputes prior to the filing of a suit or proceeding of civil or commercial nature in respect thereof, before a court or notified tribunal under sub-section (2) of section 5;

(v) "prescribed" means prescribed by rules made by the Central Government under this Act;

(w) "Schedule" means the Schedule annexed to this Act;

(x) "secure electronic signature" with reference to online mediation means, electronic signatures referred to in section 15 of the Information Technology Act, 2000; and

21 of 2000.

(y) "specified" means specified by regulations made by the Council under this Act.

CHAPTER III

MEDIATION

Mediation
agreement.

4. (1) A mediation agreement shall be in writing, by or between parties and anyone claiming through them, to submit to mediation all or certain disputes which have arisen or which may arise between the parties.

(2) A mediation agreement may be in the form of a mediation clause in a contract or in the form of a separate agreement.

(3) A mediation agreement is in writing, if it is contained in or recorded as—

(a) any document signed by the parties;

(b) an exchange of communications or letters including through electronic form as provided under the Information Technology Act, 2000;

21 of 2000.

(c) any pleadings in a suit or any other proceedings in which existence of mediation agreement is alleged by one party and not denied by the other.

(4) A reference in any agreement containing a mediation clause shall constitute a mediation agreement if the agreement is in writing and the reference is such as to make the mediation clause as part of the agreement.

(5) The parties may agree to submit to mediation any dispute arising between them under an agreement, whether entered prior to arising of the dispute or subsequent thereto.

(6) A mediation agreement in case of international mediation shall refer to an agreement for resolution in matters of commercial disputes referred to in clause (a) of section 3.

Pre-litigation
mediation.

5. (1) Subject to other provisions of this Act, whether any mediation agreement exists or not, the parties before filing any suit or proceedings of civil or commercial nature in any court, may voluntarily and with mutual consent take steps to settle the disputes by pre-litigation mediation in accordance with the provisions of this Act:

Provided that pre-litigation mediation in matters of commercial disputes of Specified Value shall be undertaken in accordance with the provisions of section 12A of the Commercial Courts Act, 2015, and the rules made thereunder.

4 of 2016.

(2) The provisions of sub-section (1) shall be applicable to the tribunals notified by the Central Government or a State Government, as the case may be.

(3) For the purposes of sub-sections (1) and (2), unless otherwise agreed upon by the parties, a mediator,—

(i) registered with the Council; or

(ii) empanelled by a court-annexed mediation centre; or

39 of 1987. (iii) empanelled by an Authority constituted under the Legal Services Authorities Act, 1987; or

(iv) empanelled by a mediation service provider recognised under this Act, shall conduct pre-litigation mediation.

39 of 1987. (4) For conducting pre-litigation mediation under clauses (ii) and (iii) of sub-section (3), a party may request any person designated for this purpose by the High Courts, or an Authority constituted under the Legal Services Authorities Act, 1987, as the case may be.

39 of 1987. (5) The court-annexed mediation centre and an Authority constituted under the Legal Services Authorities Act, 1987, shall maintain a panel of mediators for the purposes of pre-litigation mediation.

59 of 1988. (6) Notwithstanding anything contained in sub-sections (1) and (2) and the Motor Vehicles Act, 1988, when an application for compensation arising out of an accident is made before the Claims Tribunal, if the settlement as provided for in section 149 of that Act is not arrived at between the parties, the Claims Tribunal shall refer the parties for mediation to a mediator or mediation service provider under this Act.

(7) Where the parties arrive at a settlement agreement under sub-section (6), it shall be placed before the Claims Tribunal for its consideration.

(8) If the parties do not reach to settlement agreement under sub-section (6), a non-settlement report prepared by the mediator shall be forwarded to the Claims Tribunal, which has referred the matter for mediation, for adjudication.

6. (1) A mediation under this Act shall not be conducted for resolution of any dispute or matter contained in the indicative list under the First Schedule:

Disputes or matters not fit for mediation.

Provided that nothing contained herein shall prevent any court, if deemed appropriate, from referring any dispute relating to compoundable offences including the matrimonial offences which are compoundable and pending between the parties, to mediation:

Provided further that the outcome of such mediation shall not be deemed to be a judgment or decree of court referred to in sub-section (2) of section 27, and shall be further considered by the court in accordance with the law for the time being in force.

(2) If the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend the First Schedule.

7. (1) Notwithstanding the non-settlement of dispute under sub-section (1) of section 5, the court or tribunal may, at any stage of proceeding, refer the parties to undertake mediation.

Power of court or tribunal to refer parties to mediation.

(2) If the court or tribunal refers the parties to undertake mediation, it may pass suitable interim order to protect the interest of any party if deemed appropriate.

(3) The parties shall not be under obligation to come to a settlement in the mediation pursuant to a reference under sub-section (1).

CHAPTER IV

MEDIATORS

8. (1) Unless otherwise agreed upon by the parties, a person of any nationality may be appointed as a mediator:

Appointment of mediators.

Provided that mediator of any foreign nationality shall possess such qualification, experience and accreditation as may be specified.

(2) The parties shall be free to agree upon the name of mediator and the procedure for their appointment.

(3) If the parties do not reach any agreement on a matter referred to in sub-section (2), then the party seeking initiation of mediation shall make an application to a mediation service provider for the appointment of a mediator.

(4) Upon receiving an application under sub-section (3), the mediation service provider shall, within a period of seven days, appoint,—

(i) the mediator as agreed by the parties; or

(ii) in case the parties are unable to reach agreement as to the appointment of mediator or mediator agreed by them refuses to act as mediator, a mediator from the panel maintained by it, with his consent.

(5) The person appointed under clause (i) of sub-section (4) shall communicate his willingness or otherwise within a period of seven days from the date of receipt of communication of such appointment.

Preference of parties.

9. The mediation service provider shall, while appointing any person from the panel of mediators maintained by it, consider his suitability and the preference of the parties for resolving the dispute.

Conflict of interest and disclosure.

10. (1) The person appointed as a mediator shall, prior to the conduct of mediation, disclose in writing to the parties regarding any circumstance or potential circumstance, personal, professional, financial, or otherwise, that may constitute any conflict of interest or that is likely to give rise to justifiable doubts as to his independence or impartiality as a mediator.

(2) During the mediation, the mediator shall, without delay, disclose to the parties in writing any conflict of interest, referred to in sub-section (1), that has newly arisen or has come to his knowledge.

(3) Upon disclosure under sub-section (1) or sub-section (2), the parties shall have the option to waive any objection if all of them express in writing, which shall be construed as the consent of parties.

(4) Upon disclosure under sub-section (1) or sub-section (2), if either party desires to replace the mediator, then, in case of—

(i) institutional mediation, such party shall apply to the mediation service provider for termination of the mandate of mediator;

(ii) mediation other than institutional mediation, such party shall terminate the mandate of mediator.

Termination of mandate of mediator.

11. A mediation service provider may terminate the mandate of a mediator upon—

(i) the receipt of application from a party under clause (i) of sub-section (4) of section 10; or

(ii) the receipt of information about the mediator being involved in a matter of conflict of interest from participants or any other person; or

(iii) his withdrawal from mediation for any reason:

Provided that termination under clause (ii) shall be effected if, after giving a hearing to the mediator, mediation service provider finds that there is justifiable doubt as to the independence or impartiality of the mediator and that the same has been brought to the notice of parties and that either party desires to replace the mediator.

12. Upon termination of the mandate of mediator—Replacement
of mediator.

(i) in case of mediation other than institutional mediation under clause (ii) of sub-section (4) of section 10, the parties may, appoint another mediator within a period of seven days from such termination; and

(ii) under section 11, the mediation service provider shall appoint another mediator from the panel maintained by it within a period of seven days from such termination.

CHAPTER V**MEDIATION PROCEEDINGS****13. Every mediation under this Act shall be undertaken within the territorial jurisdiction of the court or tribunal of competent jurisdiction to decide the subject matter of dispute:**Territorial
jurisdiction to
undertake
mediation.

Provided that on the mutual consent of the parties, mediation may be conducted at any place outside the territorial jurisdiction of the court or tribunal, or by way of online mediation.

Explanation.—For the removal of doubts, it is clarified that where the parties agree to conduct the mediation at any place outside the territorial jurisdiction or online, for the purpose of enforcement, challenge and registration of the mediated settlement agreement, the same shall be deemed to have been undertaken within the territorial jurisdiction of the court or tribunal of competent jurisdiction.

14. The mediation proceedings with respect to a particular dispute shall be deemed to have commenced—Commencement
of mediation.

(a) where there is an existing agreement between the parties to settle the dispute through mediation, the date on which a party or parties receives notice from the party initiating the mediation, to refer such dispute to mediation; or

(b) in other cases—

(i) where the parties have agreed to appoint a mediator of their choice for mediation and settlement of disputes between them on the date the mediator provides his consent to appointment; or

(ii) where one of the parties applies to a mediation service provider for settlement of disputes through mediation, the date of appointment of a mediator.

15. (1) The mediation process shall be conducted in the manner as may be specified.Conduct of
mediation.

(2) The mediator shall assist the parties in an independent, neutral and impartial manner in their attempt to reach an amicable settlement of their dispute.

(3) The mediator shall at all times be guided by the principles of objectivity and fairness and protect the voluntariness, confidentiality and self-determination of the parties, and the standards for professional and ethical conduct as may be specified.

(4) The mediation process may include the mediator taking such measures as may be considered appropriate, taking into account the circumstances of the case, including meeting with parties or participants, jointly or separately, as frequently as deemed fit by the mediator, both in order to convene the mediation, and during the mediation for the orderly and timely conduct of the process and to maintain its integrity.

(5) The mediator shall not be bound by the Code of Civil Procedure, 1908, or the Indian Evidence Act, 1872.

(6) The mediator with the consent of the parties shall determine the language or languages to be used in the mediation process.

16. (1) The mediator shall attempt to facilitate voluntary resolution of the dispute by the parties and communicate the view of each party to the other to the extent agreed to by them, assist them in identifying issues, advancing better understanding, clarifying priorities,Role of
mediator.

exploring areas of settlement and generating options in an attempt to resolve the dispute expeditiously, emphasising that it is the responsibility of the parties to take decision regarding their claims.

(2) The parties shall be informed expressly by the mediator that he only facilitates in arriving at a decision to resolve a dispute and that he shall not impose any settlement nor give any assurance that the mediation may result in a settlement.

Role of mediator in other proceedings.

17. The mediator shall not—

(a) act as an arbitrator or as a representative or counsel of a party in any arbitral or judicial proceeding in respect of a dispute that is the subject matter of the mediation proceedings;

(b) be presented by the parties as a witness in any arbitral or judicial proceeding.

Time-limit for completion of mediation.

18. (1) Notwithstanding anything contained in any other law for the time being in force, mediation under this Act shall be completed within a period of one hundred and twenty days from the date fixed for the first appearance before the mediator.

(2) The period for mediation mentioned under sub-section (1) may be extended for a further period as agreed by the parties, but not exceeding sixty days.

Mediated settlement agreement.

19. (1) A mediated settlement agreement includes an agreement in writing between some or all of the parties resulting from mediation, settling some or all of the disputes between such parties, and authenticated by the mediator:

Provided that the terms of the mediated settlement agreement may extend beyond the disputes referred to mediation.

Explanation.—A mediated settlement agreement which is void under the Indian Contract Act, 1872, shall not be deemed to be lawful settlement agreement within the meaning of mediated settlement agreement.

9 of 1872.

(2) Where a mediated settlement agreement is reached between the parties with regard to all or some of the disputes, the same shall be reduced in to writing and signed by the parties.

(3) Subject to the provisions of section 26, the mediated settlement agreement signed,—

(i) in case of institutional mediation, shall be submitted to the mediator, who shall, after authenticating the same, forward it with a covering letter signed by him, to the mediation service provider and also provide a copy to the parties;

(ii) in all other cases, shall be submitted to the mediator who shall, after authenticating the mediated settlement agreement, provide a copy to all the parties.

(4) The parties, may, at any time during the mediation process, make an agreement with respect to any of the disputes which is the subject matter of mediation.

(5) Any mediated settlement agreement under this section includes a settlement agreement resulting from online mediation.

Registration of mediated settlement agreement.

20. (1) For the purposes of record, mediated settlement agreement arrived at between the parties, other than those arrived in a court or tribunal referred mediation or award of Lok Adalat or final award of the Permanent Lok Adalat under section 21 or section 22E of the Legal Services Authorities Act, 1987, may, at the option of parties, be registered with an Authority constituted under the said Act, or any other body as may be notified by the Central Government, in such manner as may be specified and such Authority or body shall issue a unique registration number to such settlement agreements:

39 of 1987.

Provided that the mediated settlement agreement under this section may be registered with such Authority or the body situated within the territorial jurisdiction of the court or tribunal of competent jurisdiction to decide the subject matter of dispute.

Explanation.—For the removal of doubts, it is clarified that nothing contained in this sub-section shall affect the rights of parties to enforce the mediated settlement agreement under section 27 or challenge the same under section 28.

(2) The registration referred to in sub-section (1) may be made by the parties or mediation service provider within a period of one hundred and eighty days from the date of receipt of authenticated copy of mediated settlement agreement:

Provided that mediated settlement agreement may be allowed to be registered after the expiry of period of one hundred and eighty days on payment of such fee as may be specified in consultation with the Authority or any other body referred to in sub-section (1).

21. Subject to the provisions of section 26, where no agreement is arrived at between the parties, within the time period as provided under section 18, or where, the mediator is of the view that no settlement is possible, he shall,—

Non-settlement report.

(i) in the case of institutional mediation, submit a non-settlement report to the mediation service provider in writing;

(ii) in all other cases, prepare a non-settlement report and provide a signed copy to all the parties:

Provided that the report referred to in this section shall not disclose the cause of non-settlement, or any other matter or thing referring to their conduct, during mediation.

22. (1) Subject to the other provisions of this Act, the mediator, mediation service provider, the parties and participants in the mediation shall keep confidential all the following matters relating to the mediation proceedings, namely:—

Confidentiality.

(i) acknowledgements, opinions, suggestions, promises, proposals, apologies and admissions made during the mediation;

(ii) acceptance of, or willingness to, accept proposals made or exchanged in the mediation;

(iii) documents prepared solely for the conduct of mediation or in relation thereto;

(iv) any other mediation communication.

(2) No audio or video recording of the mediation proceedings shall be made or maintained by the parties or the participants including the mediator and mediation service provider, whether conducted in person or online to ensure confidentiality of the conduct of mediation proceedings.

(3) No party to the mediation shall in any proceeding before a court or tribunal including arbitral tribunal, rely on or introduce as evidence any information or communication set forth in clauses (i) to (iv) of sub-section (1), including any information in electronic form, or verbal communication and the court or tribunal including arbitral tribunal shall not take cognizance of such information or evidence.

(4) The provisions of this section shall not prevent the mediator from compiling or disclosing general information concerning matters that have been subject of mediation, for research, reporting or training purposes, if the information does not expressly or indirectly identify a party or participants or the specific disputes in the mediation.

Explanation.—For the removal of doubts, it is hereby clarified that nothing contained in this section shall apply to the mediated settlement agreement where its disclosure is necessary for the purpose of registration, enforcement and challenge.

Admissibility
and privilege
against
disclosure.

23. (1) No mediator or participant in the mediation, including experts and advisers engaged for the purpose of the mediation and persons involved in the administration of the mediation, shall at any time be permitted, or compelled to disclose to any court or tribunal, or in any adjudicatory proceedings, by whatever description, any communication in mediation, or to state the contents or conditions of any document or nature or conduct of parties during mediation including the content of negotiations or offers or counter offers with which they have become acquainted during the mediation:

Provided that nothing in this section and section 22 shall protect from disclosure, information sought or provided to prove or dispute a claim or complaint of professional misconduct of mediator or malpractice based on conduct occurring during the mediation.

(2) There shall be no privilege or confidentiality that will attach to—

(a) a threat or statement of a plan to commit an offence punishable under any law for the time being in force;

(b) information relating to domestic violence or child abuse; and

(c) statements made during a mediation showing a significant imminent threat to public health or safety.

Termination
of mediation.

24. The mediation proceedings under this Act shall be deemed to terminate—

(a) on the date of signing and authentication of the mediated settlement agreement; or

(b) on the date of the written declaration of the mediator, after consultation with the parties or otherwise, to the effect that further efforts at mediation are no longer justified; or

(c) on the date of the communication by a party or parties in writing, addressed to the mediator and the other parties to the effect that the party wishes to opt out of mediation;

(d) on the expiry of time limit under section 18.

Cost of
mediation.

25. (1) The cost of mediation, other than community mediation shall be such as may be specified.

(2) Unless otherwise agreed by the parties, all costs of mediation, including the fees of the mediator and the charges of the mediation service provider shall be borne equally by the parties.

Proceedings of
Lok Adalat
and
Permanent
Lok Adalat
not to be
affected.

26. The provisions of this Act shall not apply to the proceedings conducted by Lok Adalat and Permanent Lok Adalat under the Legal Services Authorities Act, 1987.

39 of 1987.

CHAPTER VI

ENFORCEMENT OF MEDIATED SETTLEMENT AGREEMENT

Enforcement
of mediated
settlement
agreement.

27. (1) A mediated settlement agreement resulting from a mediation signed by the parties and authenticated by the mediator shall be final and binding on the parties and persons claiming under them respectively and enforceable as per the provisions of sub-section (2).

(2) Subject to the provisions of section 28, the mediated settlement agreement shall be enforced in accordance with the provisions of the Code of Civil Procedure, 1908, in the same

5 of 1908.

manner as if it were a judgment or decree passed by a court, and may, accordingly, be relied on by any of the parties or persons claiming through them, by way of defence, set off or otherwise in any legal proceeding.

28. (1) Notwithstanding anything contained in any other law for the time being in force, in any case in which the mediated settlement agreement is arrived at between the parties and is sought to be challenged by either of the parties, such party may file an application before the court or tribunal of competent jurisdiction.

Challenge to mediated settlement agreement.

(2) A mediated settlement agreement may be challenged only on all or any of the following grounds, namely:—

(i) fraud;

(ii) corruption;

(iii) impersonation;

(iv) where the mediation was conducted in disputes or matters not fit for mediation under section 6.

(3) An application for challenging the mediated settlement agreement shall not be made after ninety days have elapsed from the date on which the party making that application has received the copy of mediated settlement agreement under sub-section (3) of section 19:

Provided that if the court or tribunal, as the case may be, is satisfied that the applicant was prevented by sufficient cause from making the application within the said period of ninety days, it may entertain the application within a further period of ninety days.

36 of 1963.

29. Notwithstanding anything contained in the Limitation Act, 1963 or in any other law for the time being in force, in computing the period of limitation fixed for any proceeding relating to disputes in respect of which a mediation has been undertaken under this Act, the period from the date of commencement of mediation under section 14, and up to—

Limitation.

(i) submission of report under section 21; or

(ii) termination of mediation under section 24,

shall be excluded.

CHAPTER VII

ONLINE MEDIATION

30. (1) Online mediation including pre-litigation mediation may be conducted at any stage of mediation under this Act, with the written consent of the parties including by the use of electronic form or computer networks but not limited to an encrypted electronic mail service, secure chat rooms or conferencing by video or audio mode or both.

Online mediation.

(2) The process of online mediation shall be in such manner as may be specified.

(3) The conduct of online mediation shall be in the circumstances, which ensure that the essential elements of integrity of proceedings and confidentiality are maintained at all times and the mediator may take such appropriate steps in this regard as he deems fit.

(4) Subject to the other provisions of this Act, the mediation communications in the case of online mediation shall, ensure confidentiality of mediation.

CHAPTER VIII

MEDIATION COUNCIL OF INDIA

31. (1) The Central Government shall, by notification, establish for the purposes of this Act, a Council to be known as the Mediation Council of India to perform the duties and discharge the functions under this Act.

Establishment and incorporation of Mediation Council.

(2) The Council shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to enter into contract, and shall, by the said name, sue or be sued.

(3) The head office of the Council shall be at Delhi or at such other place as may be notified by the Central Government.

(4) The Council may, in consultation with the Central Government, establish offices at other places in India and abroad.

Composition
of Council.

32. (1) The Council shall consist of the following members, namely:—

(a) a person of ability, integrity and standing having adequate knowledge and professional experience or shown capacity in dealing with problems relating to law, alternative dispute resolution preferably mediation, public affairs or administration to be appointed by the Central Government—Chairperson;

(b) a person having knowledge and experience in law related to mediation or alternative dispute resolution mechanisms, to be appointed by the Central Government—Member;

(c) an eminent person having experience in research or teaching in the field of mediation and alternative dispute resolution laws, to be appointed by the Central Government—Member;

(d) Secretary to the Government of India in the Department of Legal Affairs, Ministry of Law and Justice or his representative not below the rank of Joint Secretary—Member, *ex officio*;

(e) Secretary to the Government of India in the Department of Expenditure, Ministry of Finance or his representative not below the rank of Joint Secretary—Member, *ex officio*;

(f) Chief Executive Officer—Member-Secretary, *ex officio*; and

(g) one representative of a recognised body of commerce and industry, chosen by the Central Government—Part-Time Member.

(2) The Members of the Council, other than *ex officio* members, shall hold office as such, for a term of four years from the date on which they enter upon their office and shall be eligible for re-appointment:

Provided that no Member other than *ex officio* Member shall hold office after he has attained the age of seventy years, in the case of Chairperson, and sixty-seven years, in the case of other Members:

Provided further that if the Chairperson is appointed on Part-Time basis, then, at least one of the Members appointed under clauses (b) or (c) shall be a Full-Time Member.

(3) The salaries, allowances and other terms and conditions of Members other than *ex officio* Members shall be such as may be prescribed.

(4) The Member shall be entitled to such travelling and other allowances as may be prescribed.

Vacancies,
etc., not to
invalidate
proceedings of
Council.

33. No act or proceeding of the Council shall be invalid merely by reason of—

(a) any vacancy or any defect, in the constitution of the Council;

(b) any defect in the appointment of a person as a Member of the Council; or

(c) any irregularity in the procedure of the Council not affecting the merits of the case.

Resignation.

34. The Member may, by notice in writing, under his hand addressed to the Central Government, resign his office:

Provided that the Member shall, unless he is permitted by the Central Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is earlier.

35. The Central Government may, remove any Member from his office, if he— Removal.

(a) is an undischarged insolvent; or

(b) has engaged at any time, during his term of office, in any paid employment without the permission of the Central Government; or

(c) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest; or

(f) has become physically or mentally incapable of acting as a Member:

Provided that where a Member is proposed to be removed on any ground, he shall be informed of charges against him and given an opportunity of being heard in respect of those charges.

36. The Council may, appoint such experts and constitute such committees of experts as it may consider necessary to discharge its functions on such terms and conditions as may be specified. Appointment of experts and constitution of Committees.

37. (1) There shall be a Chief Executive Officer of the Council, who shall be responsible for the day to day administration and implementation of the decisions of the Council. Secretariat and Chief Executive Officer of Council.

(2) The qualification, appointment and other terms and conditions of service of the Chief Executive Officer shall be such as may be specified.

(3) There shall be a Secretariat to the Council consisting of such number of officers and employees as may be specified.

(4) The qualification, appointment and other terms and conditions of the service of the employees and other officers of the Council shall be such as may be specified.

(5) The Central Government shall provide such number of officers and employees as may be necessary for the functioning of the Council till regulations are made under this section.

38. The Council shall— Duties and functions of Council.

(a) endeavour to promote domestic and international mediation in India through appropriate guidelines;

(b) endeavour to develop India to be a robust centre for domestic and international mediation;

(c) lay down the guidelines for the continuous education, certification and assessment of mediators by the recognised mediation institutes;

(d) provide for the manner of conduct of mediation proceedings, under sub-section (1) of section 15;

(e) provide for manner of registration of mediators and renew, withdraw, suspend or cancel registration on the basis of conditions as may be specified;

(f) lay down standards for professional and ethical conduct of mediators under sub-section (3) of section 15;

(g) hold trainings, workshops and courses in the area of mediation in collaboration with mediation service providers, law firms and universities and other stakeholders, both Indian and international, and any other mediation institutes;

(h) enter into memoranda of understanding or agreements with domestic and international bodies or organisations or institutions;

(i) recognise mediation institutes and mediation service providers and renew, withdraw, suspend or cancel such recognition;

(j) specify the criteria for recognition of mediation institutes and mediation service providers;

(k) call for any information or record of mediation institutes and mediation service providers;

(l) lay down standards for professional and ethical conduct of the mediation institutes and mediation service providers;

(m) publish such information, data, research studies and such other information as may be required;

(n) maintain an electronic depository of the mediated settlement agreements made in India and for such other records related thereto in such manner as may be specified; and

(o) perform any other function as may be assigned to it by the Central Government.

Monitoring
and reporting.

39. (1) The Council shall, as soon as practicable after the end of each year or at such other intervals as directed by the Central Government, prepare a report on the implementation of the provisions of this Act during the year or such interval and forward a copy thereof to the Central Government.

(2) The Central Government may take such additional measures as it deems necessary to supplement the functioning of the Council and for the effective implementation of the provisions of the Act.

CHAPTER IX

MEDIATION SERVICE PROVIDERS AND MEDIATION INSTITUTES

Mediation
service
provider.

40. (1) "mediation service provider" includes—

(a) a body or an organisation that provides for the conduct of mediation under this Act and the rules and regulations made thereunder and is recognised by the Council; or

(b) an Authority constituted under the Legal Services Authorities Act, 1987; or 39 of 1987.

(c) a court-annexed mediation centre; or

(d) any other body as may be notified by the Central Government:

Provided that the bodies referred to in clauses (b), (c) and (d) shall be deemed to be mediation service providers recognised by the Council.

(2) The mediation service provider shall be recognised by the Council in the manner as may be specified.

Functions of
mediation
service
providers.

41. The mediation service providers shall perform the following functions, namely:—

(a) accredit mediators and maintain panel of mediators;

(b) provide the services of mediator for conduct of mediation;

(c) provide all facilities, secretarial assistance and infrastructure for the efficient conduct of mediation;

- (d) promote professional and ethical conduct amongst mediators;
- (e) facilitate registration of mediated settlement agreements in accordance with the provisions of section 20; and
- (f) such other functions as may be specified.

42. The Council shall recognise mediation institutes to perform such duties and exercise such functions as may be specified. Mediation institutes.

CHAPTER X

COMMUNITY MEDIATION

43. (1) Any dispute likely to affect peace, harmony and tranquillity amongst the residents or families of any area or locality may be settled through community mediation with prior mutual consent of the parties to the dispute. Community mediation.

39 of 1987. (2) For the purposes of sub-section (1), any of the parties shall make an application before the concerned Authority constituted under the Legal Services Authorities Act, 1987 or District Magistrate or Sub-Divisional Magistrate in areas where no such Authority has been constituted, for referring the dispute to mediation.

39 of 1987. (3) In order to facilitate settlement of a dispute for which an application has been received under sub-section (2), the concerned Authority constituted under the Legal Services Authorities Act, 1987 or the District Magistrate or Sub-Divisional Magistrate, as the case may be, shall constitute panel of three community mediators.

(4) For the purposes of this section, the Authority or District Magistrate or the Sub-Divisional Magistrate, as the case may be, shall notify a permanent panel of community mediators, which may be revised from time to time.

(5) The following persons may be included in the panel referred to in sub-section (4)—

- (a) person of standing and integrity who are respectable in the community;
- (b) any local person whose contribution to the society has been recognised;
- (c) representative of area or resident welfare associations;
- (d) person having experience in the field of mediation; and
- (e) any other person deemed appropriate.

(6) While making panel referred to in sub-section (4) the representation of women or any other class or category of persons may be considered.

44. (1) Any community mediation shall be conducted by the panel of three community mediators referred to in sub-section (3) of section 43 who shall devise suitable procedure for the purpose of resolving the dispute. Procedure for community mediation.

(2) The community mediators shall endeavour to resolve disputes through community mediation and provide assistance to parties for resolving disputes amicably.

(3) In every case where a settlement agreement is arrived at through community mediation under this Act, the same may be reduced into writing with the signature of the parties and authenticated by the community mediators, a copy of which be provided to the parties and in cases where no settlement agreement is arrived at, a non-settlement report may be submitted by the community mediators to the Authority or the District Magistrate or the Sub-Divisional Magistrate, as the case may be, and to the parties.

(4) Any settlement agreement arrived at under this Chapter shall be for the purpose of maintaining the peace, harmony and tranquillity amongst the residents or families of any area or locality but shall not be enforceable as a judgment or decree of a civil court.

(5) The provisions of section 20 shall, *mutatis mutandis* apply, in relation to the registration of mediated settlement agreement under this section.

CHAPTER XI

MISCELLANEOUS

Mediation
Fund.

45. (1) There shall be a fund to be called "Mediation Fund" (hereinafter referred to as the "Fund") for the purposes of promotion, facilitation and encouragement of mediation under this Act, which shall be administered by the Council.

(2) There shall be credited to the Fund the following, namely:—

- (a) all monies provided by the Central Government;
- (b) all fees and other charges received from mediation service provider, mediation institutes or bodies or persons;
- (c) all monies received by the Council in the form of donations, grants, contributions and income from other sources;
- (d) grants made by the Central Government or the State Government for the purposes of the Fund;
- (e) amounts deposited by persons as contributions to the Fund;
- (f) amounts received in the Fund from any other source; and
- (g) interest on the above or other income received out of the investment made from the Fund.

(3) The Fund shall be applied towards meeting the salaries and other allowances of Member, Chief Executive Officer, Officers and employees and the expenses of the Council including expenses incurred in the exercise of its powers and discharge of its duties under this Act.

Accounts and
audit.

46. (1) The Council shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the balance sheet, in such form and manner as may be prescribed in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Council shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Council to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Council shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts, and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the offices of the Council.

(4) The accounts of the Council as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

Power of
Central
Government
to issue
directions.

47. (1) Without prejudice to the foregoing provisions of this Act, the Council shall, in exercise of its powers or the performance of its functions under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time:

Provided that the views of the Council shall be taken into consideration before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

48. Subject to the provisions of this Act, the Central Government or the State Government or any of its entity or agency, as the case may be, may frame any schemes or guidelines, for resolution of any dispute through mediation or conciliation in cases where the Central Government or the State Government or any of its entity or agency is one of the parties and in such cases mediation or conciliation may be conducted in accordance with such schemes or guidelines.

Power to frame schemes or guidelines.

49. Notwithstanding anything contained in this Act, no dispute including a commercial dispute, wherein the Central Government or State Government or any of its agencies, public bodies, corporations and local bodies including entities controlled or owned by them is a party, the settlement agreement arrived at shall be signed only after obtaining the prior written consent of the competent authority of such Government or any of its entity or agencies, public bodies, corporations and local bodies, as the case may be.

Mediated settlement agreement where Government or its, agency, etc., is a party.

50. No suit, prosecution or other legal proceeding shall lie against the Central Government or a State Government or any officer of such Government, or the Member or Officer or employee of the Council or a mediator, mediation institutes, mediation service providers, which is done or is intended to be done in good faith under this Act or the rules or regulations made thereunder.

Protection of action taken in good faith.

51. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may make provision for—

(a) the salaries and allowances and the terms and conditions of the Members under sub-section (3) of section 32;

(b) the travelling and other allowances payable to the Member under sub-section (4) of section 32;

(c) the form and manner of annual statement of accounts, including the balance sheet under sub-section (1) of section 46; and

(d) any other matter which is to be, or may be prescribed.

52. (1) The Council may, with the previous approval of the Central Government, by notification, make regulations consistent with this Act and the rules made thereunder to carry out the provisions of this Act.

Power to make regulations.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may make provision for—

(a) qualification, experience and accreditation for mediators of foreign nationality under the proviso to sub-section (1) of section 8;

(b) manner of conducting mediation proceeding under sub-section (1) of section 15;

(c) standards for professional and ethical conduct of mediators under sub-section (3) of section 15;

(d) manner of registration of mediated settlement agreement under sub-section (1) of section 20;

(e) fees for registration of mediated settlement agreement under the proviso to sub-section (2) of section 20;

(f) cost of mediation under sub-section (1) of section 26;

(g) manner of process of conducting online mediation under sub-section (2) of section 30;

(h) the terms and conditions of experts and committees of experts under section 36;

(i) qualifications, appointment and other terms and conditions of service of the Chief Executive Officer under sub-section (2) of section 37;

(j) the number of officers and employees of the Secretariat of the Council under sub-section (4) of section 37;

(k) the qualification, appointment and other terms and conditions of the employees and other officers of the Council under sub-section (5) of section 37;

(l) conditions for registration of mediators and renewal, withdrawal, suspension or cancellations of such registrations under clause (d) of section 38;

(m) criteria for recognition of mediation institutes and mediation service providers under clause (i) of section 38;

(n) manner of maintenance of electronic depository of mediated settlement agreement under clause (m) of section 38;

(o) manner for recognition of mediation service provider under sub-section (2) of section 40;

(p) such other functions of mediation service provider under clause (f) of section 41;

(q) duties and functions to be performed by mediation institutes under section 42; and

(r) any other matter in respect of which provision is necessary for the performance of functions of the Council under this Act.

Laying.

53. Every notification issued under sub-section (2) of section 6, sub-section (2) of section 55, rule and regulation made under this Act shall be laid, as soon as may be after it is issued or made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification, rule or regulation or both Houses agree that the notification, rule or regulation should not be issued or made, the notification, rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification, rule or regulation.

Power to remove difficulties.

54. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of five years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament.

Provisions of Act to have overriding effect on mediation or conciliation contained in other laws.

55. (1) Subject to the enactments mentioned in the Second Schedule, the provisions of this Act shall have overriding effect for conduct of mediation or conciliation notwithstanding anything inconsistent therewith contained in any other law for the time being in force, and any instrument having force of law.

(2) If the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend the Second Schedule and thereupon it shall be deemed to have been amended accordingly.

56. This Act shall not apply to, or in relation to, any mediation or conciliation commenced before the coming into force of this Act.	Act not to apply to pending proceedings.
57. The rules in force governing the conduct of court-annexed mediation shall continue to apply until regulations are made under sub-section (1) of section 15: Provided that the rules shall continue to apply in all court-annexed mediation pending as on the date of coming into force of the regulations.	Transitory provision.
58. The Indian Contract Act, 1872, shall be amended in the manner specified in the Third Schedule.	Amendment of Act 9 of 1872.
59. The Code of Civil Procedure, 1908, shall be amended in the manner specified in the Fourth Schedule.	Amendment of Act 5 of 1908.
60. The Legal Service Authorities Act, 1987, shall be amended in the manner specified in the Fifth Schedule.	Amendment of Act 39 of 1987.
61. The Arbitration and Conciliation Act, 1996, shall be amended in the manner specified in the Sixth Schedule.	Amendment of Act 26 of 1996.
62. The Micro, Small and Medium Enterprises Development Act, 2006, shall be amended in the manner specified in the Seventh Schedule.	Amendment of Act 27 of 2006.
63. The Companies Act, 2013, shall be amended in the manner specified in the Eighth Schedule.	Amendment of Act 18 of 2013.
64. The Commercial Courts Act, 2015, shall be amended in the manner specified in the Ninth Schedule.	Amendment of Act 4 of 2016.
65. The Consumer Protection Act, 2019, shall be amended in the manner specified in the Tenth Schedule.	Amendment of Act 35 of 2019.

THE FIRST SCHEDULE

(See section 6)

DISPUTES OR MATTERS NOT FIT FOR MEDIATION

1. Disputes which by virtue of any law for the time being in force may not be submitted for mediation.
2. Disputes relating to claims against minors, deities; persons with intellectual disabilities under paragraph 2 of the Schedule and person with disability having high support needs as defined in clause (t) of section 2 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016); persons with mental illness as defined in clause (s) of sub-section (I) of section 2 of the Mental Healthcare Act, 2017 (10 of 2017); persons of unsound mind, in relation to whom proceedings are to be conducted under Order XXXII of the Code of Civil Procedure, 1908 (5 of 1908); and suits for declaration of title against Government; declaration having effect of right *in rem*.
3. Disputes involving prosecution for criminal offences.
4. Complaints or proceedings, initiated before any statutory authority or body in relation to registration, discipline, misconduct of any practitioner, or other registered professional, such as legal practitioner, medical practitioner, dentist, architect, chartered accountant, or in relation to any other profession of whatever description, which is regulated under any law for the time being in force.
5. Disputes which have the effect on rights of a third party who are not a party to the mediation proceedings except only in matrimonial disputes where the interest of a child is involved.
6. Any proceeding in relation to any subject matter, falling within any enactment, over which the Tribunal constituted under the National Green Tribunal Act, 2010 (19 of 2010), has jurisdiction.
7. Any dispute relating to levy, collection, penalties or offences, in relation to any direct or indirect tax or refunds, enacted by any State legislature or the Parliament.
8. Any investigation, inquiry or proceeding, under the Competition Act, 2002 (12 of 2003), including proceedings before the Director General, under the Act; proceedings before the Telecom Regulatory Authority of India, under the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) or the Telecom Disputes Settlement and Appellate Tribunal established under section 14 of that Act.
9. Proceedings before appropriate Commissions, and the Appellate Tribunal for Electricity, under the Electricity Act, 2003 (36 of 2003).
10. Proceedings before the Petroleum and Natural Gas Regulatory Board, and appeals therefrom before the Appellate Tribunal under the Petroleum and Natural Gas Regulatory Board Act, 2006 (19 of 2006).
11. Proceedings before the Securities and Exchange Board of India, and the Securities Appellate Tribunal, under the Securities and Exchange Board of India Act, 1992 (15 of 1992).
12. Land acquisition and determination of compensation under land acquisition laws, or any provision of law providing for land acquisition.
13. Any other subject matter of dispute which may be notified by the Central Government.

THE SECOND SCHEDULE

(See section 55)

1. The Industrial Disputes Act, 1947 (14 of 1947).
2. The Brahmaputra Board Act, 1980 (46 of 1980).
3. The Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 (50 of 1981).
4. The Family Courts Act, 1984 (66 of 1984).
5. The Legal Services Authorities Act, 1987 (39 of 1987).
6. The Maintenance and Welfare of Parents and Senior Citizen Act, 2007 (56 of 2007).
7. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013).
8. The Finance Act, 2016 (28 of 2016).
9. The Industrial Relations Code, 2020 (35 of 2020).

THE THIRD SCHEDULE

(See section 58)

In section 28 of the Indian Contract Act, 1872 (9 of 1872), for *Exception 1* and *Exception 2*, the following shall be substituted, namely:—

"Exception 1.—Saving of contract to refer to arbitration or mediation dispute that may arise.—This section shall not render illegal a contract, by which two or more persons agree that any dispute which may arise between them in respect of any subject or class of subjects shall be referred to resolution through arbitration or mediation.

Exception 2.—Saving of contract to refer questions that have already arisen.—Nor shall this section render illegal any contract in writing, by which two or more persons agree to refer to arbitration or mediation any question between them which has already arisen, or affect any provision of any law in force for the time being as to references to arbitration or mediation."

THE FOURTH SCHEDULE

(See section 59)

In the Code of Civil Procedure, 1908 (5 of 1908),—

(i) under Part V, under the heading SPECIAL PROCEEDINGS, the sub-heading "ARBITRATION" shall be omitted;

(ii) for section 89, the following section shall be substituted, namely:—

"89. Settlement of disputes outside the Court.—Where it appears to the Court that the dispute between the parties may be settled and there exists elements of settlement which may be acceptable to the parties, the Court may—

(a) refer the dispute to arbitration, and thereafter, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply as if the proceedings for arbitration were referred for settlement under the provisions of that Act; or

(b) refer the parties to mediation, to the court-annexed mediation centre or any other mediation service provider or any mediator, as per the option of the parties, and thereafter the provisions of the Mediation Act, 2023 shall apply as if the proceedings for mediation were referred for settlement under the provisions of that Act; or

(c) refer the dispute to Lok Adalat, in accordance with the provisions of sub-section (1) of section 20 of Legal Services Authorities Act, 1987 (39 of 1987) and thereafter, all other provisions of that Act shall apply in respect of the dispute;

(d) effect compromise between the parties and shall follow such procedure as deemed fit for judicial settlement."

THE FIFTH SCHEDULE

(See section 60)

In the Legal Services Authorities Act, 1987 (39 of 1987), in section 4, for clause (f), the following clause shall be substituted, namely:—

"(f) encourage the settlement of disputes, including online by way of negotiations, arbitration, mediation and conciliation;"

THE SIXTH SCHEDULE

(See section 61)

In the Arbitration and Conciliation Act, 1996 (26 of 1996),—

(a) in section 43D,—

(i) in sub-section (1), the words "mediation, conciliation" shall be omitted;

(ii) in sub-section (2), in clauses (e), (f) and (i), the words "and conciliation" wherever they occur shall be omitted;

(b) for sections 61 to 81, the following sections shall be substituted, namely:—

"61. Reference of conciliation in enactments.—(1) Any provision, in any other enactment for the time being in force, providing for resolution of disputes through conciliation in accordance with the provisions of this Act, shall be construed as reference to mediation as provided under the Mediation Act, 2023.

(2) Conciliation as provided under this Act and the Code of Civil Procedure, 1908 (5 of 1908), shall be construed as mediation referred to in clause (h) of section 3 of the Mediation Act, 2023.

62. Saving.—Notwithstanding anything contained in section 61, any conciliation proceeding initiated in pursuance of sections 61 to 81 of this Act as in force before the commencement of the Mediation Act, 2023, shall be continued as such, as if the Mediation Act, 2023, had not been enacted."

THE SEVENTH SCHEDULE

(See section 62)

In the Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006), for section 18, the following section shall be substituted, namely:—

"18. Reference to Micro and Small Enterprises Facilitation Council.—(1) Notwithstanding anything contained in any other law for the time being in force, any party to a dispute may, with regard to any amount due under section 17, make a reference to the Micro and Small Enterprises Facilitation Council.

(2) On receipt of a reference under sub-section (1), the Council shall either conduct mediation itself or refer the matter to any mediation service provider as provided under the Mediation Act, 2023.

(3) The conduct of mediation under this section shall be as per the provisions of the Mediation Act, 2023.

(4) Where the mediation initiated under sub-section (3) is not successful and stands terminated without any settlement between the parties, the Council shall either itself take up the dispute for arbitration or refer it to any institution or centre providing alternative dispute resolution services for such arbitration and the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996), shall, then apply to the dispute as if the arbitration was in pursuance of an arbitration agreement referred to in sub-section (1) of section 7 of that Act.

(5) Notwithstanding anything contained in any other law for the time being in force, the Micro and Small Enterprises Facilitation Council or the centre providing alternative dispute resolution services shall have jurisdiction to act as an Arbitrator or mediator under this section in a dispute between the supplier located within its jurisdiction and a buyer located anywhere in India."

THE EIGHTH SCHEDULE

(See section 63)

In the Companies Act, 2013 (18 of 2013), for section 442, the following section shall be substituted, namely:—

"442. Reference to mediation.—(1) Any of the parties to a proceedings before the Central Government, Tribunal or the Appellate Tribunal may, at any time apply to the Central Government, Tribunal or the Appellate Tribunal, as the case may be, in such form along with such fees, if any, as may be prescribed, for referring the matter pertaining to such proceedings for mediation and the Central Government, Tribunal or the Appellate Tribunal, as the case may be, shall refer the matter to mediation to be conducted under the provisions of the Mediation Act, 2023.

(2) Nothing in this section shall prevent the Central Government, Tribunal or the Appellate Tribunal before which any proceeding is pending from referring any matter pertaining to such proceeding *suo motu* to mediation to be conducted under the provisions of the Mediation Act, 2023 as the Central Government, Tribunal or the Appellate Tribunal, deems fit.

(3) The mediator or mediation service provider shall file the mediated settlement agreement arrived at between the parties with the Central Government or the Tribunal or the Appellate Tribunal under the Act.

(4) The Central Government or the Tribunal or the Appellate Tribunal shall pass an order or judgment making the said mediated settlement agreement as part thereof.

(5) The fee of the mediator shall be such as may be prescribed."

THE NINTH SCHEDULE

(See section 64)

In the Commercial Courts Act, 2015 (4 of 2016),—

(a) for Chapter IIIA, the following Chapter shall be substituted, namely:—

"CHAPTER IIIA

PRE-LITIGATION MEDIATION AND SETTLEMENT

12A. Pre-litigation Mediation and Settlement.—(1) A suit, which does not contemplate any urgent interim relief under this Act, shall not be instituted unless the plaintiff exhausts the remedy of pre-litigation mediation in accordance with such manner and procedure as may be prescribed by rules made by the Central Government.

(2) For the purposes of pre-litigation mediation, the Central Government may, by notification, authorise—

(i) the Authority, constituted under the Legal Services Authorities Act, 1987 (39 of 1987); or

(ii) a mediation service provider as defined under clause (m) of section 3 of the Mediation Act, 2023.

(3) Notwithstanding anything contained in the Legal Services Authorities Act, 1987 (39 of 1987), the Authority or mediation service provider authorised by the Central Government under sub-section (2) shall complete the process of mediation within a period of one hundred and twenty days from the date of application made by the plaintiff under sub-section (1):

Provided that the period of mediation may be extended for a further period of sixty days with the consent of the parties:

Provided further that, the period during which the parties spent for pre-litigation mediation shall not be computed for the purposes of limitation under the Limitation Act, 1963 (36 of 1963).

(4) If the parties to the commercial dispute arrive at a settlement, the same shall be reduced into writing and shall be signed by the parties and the mediator.

(5) The mediated settlement agreement arrived at under this section shall be dealt with in accordance with the provisions of sections 27 and 28 of the Mediation Act, 2023.";

(b) in section 21A, in sub-section (2), for clause (a), the following clause shall be substituted, namely:—

"(a) the manner and procedure of pre-litigation mediation under sub-section (1) of section 12A;"

THE TENTH SCHEDULE

(See section 65)

In the Consumer Protection Act, 2019 (35 of 2019),—

(a) in section 2, clauses (25) and (26) shall be omitted;

(b) for section 37, the following sections shall be substituted, namely:—

"37. Reference to mediation.—The District Commission or State Commission or the National Commission, as the case may be, shall either on an application by the parties at any stage of proceedings refer the disputes for settlement by mediation under the Mediation Act, 2023.

37A. Settlement through mediation.—(1) Pursuant to mediation, if an agreement is reached between the parties with respect to all of the issues involved in the consumer dispute or with respect to only some of the issues, the terms of such agreement shall be reduced to writing accordingly, and signed by the parties to such dispute or their authorised representatives.

(2) The mediator shall prepare a settlement report of the settlement and forward the signed agreement along with such report to the concerned Commission.

(3) Where no agreement is reached between the parties within the specified time or the mediator is of the opinion that settlement is not possible, he shall prepare his report accordingly and submit the same to the concerned Commission.

37B. Recording settlement and passing of order.—(1) The District Commission or the State Commission or the National Commission, as the case may be, shall, within seven days of the receipt of the settlement report, pass suitable order recording such settlement of consumer dispute and dispose of the matter accordingly.

(2) Where the consumer dispute is settled only in part, the District Commission or the State Commission or the National Commission, as the case may be, shall record settlement of the issues which have been so settled and continue to hear other issues involved in such consumer dispute.

(3) Where the consumer dispute could not be settled by mediation, the District Commission or the State Commission or the National Commission, as the case may be, shall continue to hear all the issues involved in such consumer dispute.";

(c) in section 38, in sub-section (1), the words "or in respect of cases referred for mediation on failure of settlement by mediation," shall be omitted;

(d) in section 41, the third proviso shall be omitted;

(e) Chapter V shall be omitted;

(f) in section 101, in sub-section (2),—

(i) clause (r) shall be omitted;

- (ii) clause (zf) shall be omitted;
- (g) in section 102, in sub-section (2), clause (p) shall be omitted;
- (h) in section 103, in sub-section (2), clauses (c) to (h) shall be omitted.
-

DR. REETA VASISHTA,
Secretary to the Govt. of India.

CORRIGENDA

In the *JAN VISHWAS* (Amendment of Provisions) Act, 2023 (18 of 2023), published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 11th August, 2023, Issue No. 21,—

- (i) at page 56, in line 12, *for* "substituted" *read* "inserted";
- (ii) at page 57, in line 46, *for* "section" *read* "sections".
-

CORRIGENDUM

In the Central Goods and Services Tax (Amendment) Act, 2023 (30 of 2023), published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 18th August, 2023, Issue No. 33, at page 2, in line 37, *for* "occurring" *read* "occurring".

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ
(ಡಿ.ಬಿ. ಜನಾರ್ದನ)
ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-77

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 42 ಕೇಶಾಪು 2023

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 06.10.2023.

ದಿನಾಂಕ: 28.09.2023 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ

Part-II-Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE CONSTITUTION (ONE HUNDRED AND SIXTH
AMENDMENT) ACT, 2023 ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ
ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-29092023-249053
CG-DL-E-29092023-249053

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 36] नई दिल्ली, बृहस्पतिवार, सितम्बर 28, 2023/ अश्विन 6, 1945 (शक)
No. 36] NEW DELHI, THURSDAY, SEPTEMBER 28, 2023/ASVINA 6, 1945 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 28th September, 2023/Asvina 6, 1945 (Saka)

The following Act of Parliament received the assent of the President on the 28th September, 2023 and is hereby published for general information:—

THE CONSTITUTION (ONE HUNDRED AND SIXTH AMENDMENT) ACT, 2023

[28th September, 2023.]

An Act further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (One Hundred and Sixth Amendment) Act, 2023.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of
article 239AA.

2. In article 239AA of the Constitution, in clause (2), after sub-clause (b), the following clauses shall be inserted, namely:—

“(ba) Seats shall be reserved for women in the Legislative Assembly of the National Capital Territory of Delhi.

(bb) As nearly as may be, one-third of the seats reserved for the Scheduled Castes in the Legislative Assembly of the National Capital Territory of Delhi shall be reserved for women.

(bc) As nearly as may be, one-third of the total number of seats to be filled by direct election in the Legislative Assembly of the National Capital Territory of Delhi (including the number of seats reserved for women belonging to the Scheduled Castes) shall be reserved for women in such manner as Parliament may by law determine.”.

Insertion of new
article 330A.

3. After article 330 of the Constitution, the following article shall be inserted, namely:—

Reservation of
seats for women
in the House of
the People.

“330A. (1) Seats shall be reserved for women in the House of the People.

(2) As nearly as may be, one-third of the total number of seats reserved under clause (2) of article 330 shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes.

(3) As nearly as may be, one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election to the House of the People shall be reserved for women.”.

Insertion of new
article 332A.

4. After article 332 of the Constitution, the following article shall be inserted, namely:—

Reservation of
seats for women
in the Legislative
Assemblies of
the States.

“332A. (1) Seats shall be reserved for women in the Legislative Assembly of every State.

(2) As nearly as may be, one-third of the total number of seats reserved under clause (3) of article 332 shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes.

(3) As nearly as may be, one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in the Legislative Assembly of every State shall be reserved for women.”.

Insertion of new
article 334A.

5. After article 334 of the Constitution, the following article shall be inserted, namely:—

Reservation of
seats for women
take effect.

“334A. (1) Notwithstanding anything in the foregoing provision of this Part or Part VIII, the provisions of the Constitution relating to the reservation of seats for women in the House of the People, the Legislative Assembly of a State and the Legislative Assembly of the National Capital Territory of Delhi shall come into effect after an exercise of delimitation is undertaken for this purpose after the relevant figures for the first census taken after commencement of the Constitution (One Hundred and Sixth Amendment) Act, 2023 have been published and shall cease to have effect on the expiration of a period of fifteen years from such commencement.

(2) Subject to the provisions of articles 239AA, 330A and 332A, seats reserved for women in the House of the People, the Legislative Assembly of a State and the Legislative Assembly of the National Capital Territory of Delhi shall continue till such date as the Parliament may by law determine.

(3) Rotation of seats reserved for women in the House of the People, the Legislative Assembly of a State and the Legislative Assembly of the National Capital Territory of Delhi shall take effect after each subsequent exercise of delimitation as the Parliament may by law determine.

(4) Nothing in this article shall affect any representation in the House of the People, the Legislative Assembly of a State or the Legislative Assembly of the National Capital Territory of Delhi until the dissolution of the then existing House of the People, Legislative Assembly of a State or the Legislative Assembly of the National Capital Territory of Delhi.”.

6. The amendments made to the Constitution by the Constitution (One Hundred and Sixth Amendment) Act, 2023 shall not affect any representation in the House of the People, the Legislative Assembly of a State or the Legislative Assembly of the National Capital Territory of Delhi until the dissolution of the House of the People, the Legislative Assembly of a State or the Legislative Assembly of the National Capital Territory of Delhi, as the case may be, in existence at the commencement of the said Act.

Amendment not to affect reservation in the House of the People, the Legislative Assembly of a State or the Legislative Assembly of the National Capital Territory of Delhi.

DR. REETA VASISHTA,
Secretary to the Govt. of India.

CORRIGENDA

THE MEDIATION ACT, 2023 No. 32 OF 2023

In the MEDIATION ACT, 2023 (32 OF 2023), as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 15th September, 2023, Issue No. 35,—

- (i) at page 17, line 46, *for "section 26", read "section 25"*;
- (ii) at page 18, line 8, *for "sub-section (4)", read "sub-section (3)"*;
- (iii) at page 18, line 10, *for "sub-section (5)", read "sub-section (4)"*;
- (iv) at page 18, line 12, *for "clause (d)", read "clause (e)"*;
- (v) at page 18, line 14, *for "clause (i)", read "clause (j)"*;
- (vi) at page 18, line 16, *for "clause (m)", read "clause (n)"*;
- (vii) at page 19, line 11, *for "Service", read "Services"*;
- (viii) at page 21, line 5, *for "Cine-Workers", read "Cine-workers"*;
- (ix) at page 21, line 9, *for "Citizen", read "Citizens"*;
- (x) at page 23, line 20, *for "Legal", read "the Legal"*.

CORRIGENDUM

THE JAN VISHWAS (AMENDMENT OF PROVISIONS) ACT, 2023 No. 18 OF 2023

In the JAN VISHWAS (AMENDMENT OF PROVISIONS) ACT, 2023 (18 of 2023), as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 11th August, 2023, Issue No. 21, at page 48, lines 41 and 42, *for 'a fine', read 'or a fine'.*

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ
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ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-78

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 32 ಕೇನಿಪ್ರ 2023

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 06.10.2023.

ದಿನಾಂಕ: 24.07.2023 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ
Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ E-Waste (Management) Second
Amendment Rules, 2023ರ Notification-GSR 534(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ
ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 24 July, 2023

G.S.R.534(E).— In exercise of the powers conferred by sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986) read with sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following rules further to amend the E-Waste (Management) Rules, 2022, namely:

- 1.** (1) These rules may be called E-Waste (Management) Second Amendment Rules, 2023.
(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the E-Waste (Management) Rules, 2022 (hereinafter referred to as the said rules), in rule 5, after clause (3), the following clause shall be inserted, namely: -

“ (4) ensure secure, accountable and sustainable management of refrigerant generated during the manufacture of refrigeration and air-conditioning equipment by adopting approved destruction technologies as per the guidelines issued by the Central Pollution Control Board.”.

3. In rule 7 of the said rules, after clause (4), the following clause shall be inserted, namely: -

“ (5) ensure secure, accountable and sustainable management of refrigerant generated from the end-of life refrigeration and air-conditioning equipment by adopting approved destruction technologies as per the guidelines issued by the Central Pollution Control Board.”.

4. In rule 9 of the said rules, after clause (10), the following clause shall be inserted, namely: -

“ (11) ensure secure, accountable and sustainable management of refrigerant generated from the end-of life refrigeration and air-conditioning equipment by adopting approved destruction technologies as per the guidelines issued by the Central Pollution Control Board.”.

5. In rule 14 of the said rules, in sub-rule (1), in clause (ii), after sub-clause (b), the following sub-clause shall be inserted, namely: -

“ (c) In case of multiple end products of recycling, the conversion factor for generation of extended producer responsibility certificate shall be determined as per the guidelines issued by the Central Pollution Control Board with the approval of the Steering Committee.”.

6. In rule 16 of the said rules, -

- (a) for sub-rule (2), the following sub-rules shall be substituted, namely: -

“(2) The provisions of sub-rule (1) shall not apply to components or consumables or parts or spares required for electrical and electronic equipment specified in Schedule – II B placed in the market on or before the 1st May, 2014 provided reduction of hazardous substances compliant parts and spares are not available.

(2A) The provisions of sub-rule (1) shall not apply to electrical and electronic equipment specified in Schedule – II C placed in the market on or before the 1st April, 2025.

(2B) The provisions of sub-rule (1) shall not apply to components or consumables or parts or spares required for electrical and electronic equipment referred in sub-rule (2A) till the 1st April, 2028, provided reduction of hazardous substances compliant parts and spares are not available.”.

- (b) in sub-rule (3) and sub-rule (13), after the words “Schedule II”, the words “and Schedule II A” shall be inserted.

7. In Schedule-II to the said rules, in the Table, S.No. 37 and the entries relating thereto shall be omitted.

8. After Schedule - II to the said rules, the following Schedules shall be inserted, namely: -

“Schedule-II A

[See rules 16(3), 16(13)]

Applications exempted from the provisions of sub-rule 1 of rule 16 specific to medical devices and monitoring and control instruments including laboratory equipment as listed in Schedule - I

Sl. No.	Categories of electrical and electronic equipment
	Equipment utilising or detecting ionising radiation:
1.	Lead, cadmium and mercury in detectors for ionising radiation.
2.	Lead bearings in X-ray tubes.

3.	Lead in electromagnetic radiation amplification devices: micro-channel plate and capillary plate.
4.	Lead in glass frit of X-ray tubes and image intensifiers and lead in glass frit binder for assembly of gas lasers and for vacuum tubes that convert electromagnetic radiation into electrons.
5.	Lead in shielding for ionising radiation.
6.	Lead in X-ray test objects.
7.	Lead stearate X-ray diffraction crystals.
8.	Radioactive cadmium isotope source for portable X-ray fluorescence spectrometers.
	Sensors, detectors and electrodes
9.	Lead and cadmium in ion selective electrodes including glass of pH electrodes.
10.	Lead anodes in electrochemical oxygen sensors.
11.	Lead, cadmium and mercury in infra-red light detectors.
12.	Mercury in reference electrodes: low chloride mercury chloride, mercury sulphate and mercury oxide.
	Others
13.	Cadmium in helium-cadmium lasers.
14.	Lead and cadmium in atomic absorption spectroscopy lamps.
15.	Lead in alloys as a superconductor and thermal conductor in MRI.
16.	Lead and cadmium in metallic bonds to superconducting materials in MRI and SQUID detectors.
17.	Lead in counterweights.
18.	Lead in single crystal piezoelectric materials for ultrasonic transducers.
19.	Lead in solders for bonding to ultrasonic transducers.
20.	Mercury in very high accuracy capacitance and loss measurement bridges and in high frequency RF switches and relays in monitoring and control instruments not exceeding 20 mg of mercury per switch or relay.
21.	Lead in solders in portable emergency defibrillators.
22.	Lead in solders of high performance infrared imaging modules to detect in the range 8-14 μm .
23.	Lead in Liquid crystal on silicon (LCoS) displays.
24.	Cadmium in X-ray measurement filters.

SCHEDULE – II B*[See rule 16 (2)]*

**Categories of electrical and electronic equipment including their components, consumables, parts
and spares covered under the rules**

Sl. No.	Categories of electrical and electronic equipment	Electrical and electronic equipment code
	Information technology and telecommunication equipment:	
1.	Centralized data processing: Mainframes, Minicomputers	ITEW1

2.	Personal Computing: Personal Computers (Central Processing unit with input and output devices)	ITEW2
3.	Personal Computing: Laptop Computers (Central Processing unit with input and output devices)	ITEW3
4.	Personal Computing: Notebook Computers	ITEW4
5.	Personal Computing: Notepad Computers	ITEW5
6.	Printers including cartridges	ITEW6
7.	Copying Equipment	ITEW7
8.	Electrical and Electronic Typewriters	ITEW8
9.	User terminal and Systems	ITEW9
10.	Facsimile	ITEW10
11.	Telex	ITEW11
12.	Telephones	ITEW12
13.	Pay telephones	ITEW13
14.	Cordless telephones	ITEW14
15.	Cellular telephones	ITEW15
16.	Answering System	ITEW16
	Consumer Electrical and Electronics and Photovoltaic Panels:	
17.	Television sets (including sets based on Liquid Crystal Display and light Emitting Diode Technology)	CEEW1
18.	Refrigerator	CEEW2
19.	Washing Machine	CEEW3
20.	Air- Conditioners excluding centralised air conditioning plants	CEEW4
21.	Fluorescent and other Mercury containing lamps	CEEW5

SCHEDULE – II C*[See rules 16 (2A) and 16 (2B)]***Categories of electrical and electronic equipment including their components, consumables, parts and spares covered under the rules**

	Categories of electrical and electronic equipment	Electrical and electronic equipment code
	Information technology and telecommunication equipment:	
1.	Products or equipment of transmitting sound, images or other information by telecommunications	ITEW17
2.	BTS (all components excluding structure of tower)	ITEW18
3.	Tablets, I-PAD	ITEW19
4.	Phablets	ITEW20
5.	Scanners	ITEW21

6.	Routers	ITEW22
7.	GPS	ITEW23
8.	UPS	ITEW24
9.	Inverter	ITEW25
10.	Modems	ITEW26
11.	Electronic data storage devices	ITEW27
	Consumer Electrical and Electronics and Photovoltaic Panels:	
12.	Screen, Electronic Photo frames, Electronic Display Panel, Monitors	CEEW6
13.	Radio sets	CEEW7
14.	Set top Boxes	CEEW8
15.	Video Cameras	CEEW9
16.	Video Recorders	CEEW10
17.	Hi-Fi Recorders	CEEW11
18.	Audio Amplifiers	CEEW12
19.	Other products or equipment for the purpose of recording or reproducing sound or images including signals and other technologies for the distribution of sound and image by telecommunications	CEEW13
20.	Solar panels/cells, solar Photovoltaic panels/cells/modules.	CEEW14
21.	Luminaires for fluorescent lamps with the exception of luminaires in households	CEEW15
22.	High intensity discharge lamps, including pressure sodium lamps and metal halide lamps	CEEW16
23.	Low pressure sodium lamps	CEEW17
24.	Other lighting or equipment for the purpose of spreading or controlling light excluding filament bulbs	CEEW18
25.	Digital camera	CEEW19
	Large and Small Electrical and Electronic Equipment	
26.	Large cooling appliances	LSEEW1
27.	Freezers	LSEEW2
28.	Other large appliances used for refrigeration, conservation and storage of food	LSEEW3
29.	Clothes dryers	LSEEW4
30.	Dish Washing Machines	LSEEW5
31.	Electric cookers	LSEEW6
32.	Electric stoves	LSEEW7
33.	Electric hot plates	LSEEW8
34.	Microwaves, Microwave Oven	LSEEW9
35.	Other large appliances used for cooking and other processing of food	LSEEW10
36.	Electric heating appliances	LSEEW11
37.	Electric radiators	LSEEW12
38.	Other large appliances for heating rooms, beds, seating furniture	LSEEW13

39.	Electric fans	LSEEW14
40.	Other fanning, exhaust ventilation and conditioning equipment	LSEEW15
41.	Vacuum cleaners	LSEEW16
42.	Carpet sweepers	LSEEW17
43.	Other appliances for cleaning	LSEEW18
44.	Appliances used for sewing, knitting, weaving and other processing for textiles	LSEEW19
45.	Iron and other appliances for ironing, mangling and other care of clothing	LSEEW20
46.	Grinders, coffee machines and equipment for opening or sealing containers or packages	LSEEW21
47.	Smoke detector	LSEEW22
48.	Heating Regulators	LSEEW23
49.	Thermostats	LSEEW24
50.	Automatic dispensers for hot drinks	LSEEW25
51.	Automatic dispensers for hot or cold bottles or cans	LSEEW26
52.	Automatic dispensers for solid products	LSEEW27
53.	Automatic dispensers for money	LSEEW28
54.	All appliances which deliver automatically all kinds of products	LSEEW29
55.	Indoor air purifier	LSEEW30
56.	Hair dryer	LSEEW31
57.	Electric shaver	LSEEW32
58.	Electric kettle	LSEEW33
59.	Electronic display panels/board/visual display unit	LSEEW34
	Electrical and Electronic Tools (With the exception of large- Scale Stationary Industrial Tools)	
60.	Drills	EETW1
61.	Saws	EETW2
62.	Sewing Machines	EETW3
63.	Equipment for turning, milling, sanding, grinding, sawing, cutting, shearing, drilling, making holes, punching, folding, bending or similar processing of wood, metal and other materials	EETW4
64.	Tools for riveting, nailing or screwing or removing rivets, nails, screws or similar uses	EETW5
65.	Tools for welding, soldering, or similar use	EETW6
66.	Equipment for spraying, spreading, dispersing or other treatment of liquid or gaseous substance by other means	EETW7
67.	Tools for mowing or other gardening activities	EETW8
	Toys, Leisure and Sports Equipment	
68.	Electrical trains or car racing sets	TLSEW1
69.	Hand-held video games consoles	TLSEW2
70.	Video games	TLSEW3

71.	Computers for biking, diving, running, rowing, etc.	TLSEW4
72.	Sports equipment with electric or electronic components	TLSEW5
73.	Coin slot machines	TLSEW6
	Medical Devices (With the Exception of All Implanted and Infected Products)	
74.	Radiotherapy equipment and accessories	MDW1
75.	Cardiology equipment and accessories	MDW2
76.	Dialysis equipment and accessories	MDW3
77.	Pulmonary ventilators and accessories	MDW4
78.	Nuclear Medicine Equipment and accessories	MDW5
79.	Laboratory equipment for in vitro diagnosis and accessories	MDW6
80.	Analysers and accessories	MDW7
81.	Magnetic Resonance Imaging (MRI), Positron Emission Tomography (PET) Scanner, Computed Tomography (CT) Scanner, & Ultrasound Equipment along with accessories	MDW8
82.	Fertilization tests equipment and accessories	MDW9
83.	Other electric appliances/equipment/kits used for preventing, screening, detecting, monitoring, evaluating, reviewing, examining, investigating, probing, treating illness sickness, disease, disorder, affliction, infection, injury, trauma, abuse or disability including the Mobiles, Tablets or any other device with the features having the potential of sex selection and their accessories	MDW10
	Laboratory Instruments	
84.	Gas analyser	LIW1
85.	Equipment having electrical and electronic components	LIW2**.

[F. No. 12/136/2021-HSMD]

NARESH PAL GANGWAR, Addl. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 801(E), dated the 2nd November, 2022, subsequently amended *vide* number G.S.R. 61 (E), dated the 30th January, 2023.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ
(ಡಿ.ಬಿ. ಜನಾರ್ದನ)
ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-79

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 33 ಕೇನಿಪ್ರ 2023

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 06.10.2023.

ದಿನಾಂಕ: 26.07.2023 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ
Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Electricity (Second Amendment) Rules,
2023 ರ Notification-GSR 558(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ
ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

MINISTRY OF POWER

NOTIFICATION

New Delhi, the 26th July, 2023

G.S.R. 558(E).—In exercise of the powers conferred by section 176 of the Electricity Act, 2003 (36 of 2003), the Central Government hereby makes the following rules, further to amend the Electricity Rules, 2005, namely:-

1. (1) These rules may be called the Electricity (Second Amendment) Rules, 2023.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. For rule 15 of the Electricity Rules, 2005 (hereinafter referred to as the said rules), the following rule shall be substituted, namely:-

“15. Subsidy accounting and payment.—(1) The accounting of the subsidy payable under section 65 of the Act, shall be done by the distribution licensee, in accordance with the Standard Operating Procedures issued by the Central Government, in this regard.

(2) A quarterly report shall be issued by the State Commission for each distribution licensee, in its jurisdiction, giving findings whether demands for subsidy were raised by the distribution licensee in the relevant quarter based on accounts of the energy consumed by the subsidised category and consumer category wise per unit subsidy declared by the State Government, the actual payment of subsidy in accordance with section 65 of the Act and the gap in subsidy due and paid as well as other relevant details.

Explanation: For the purpose of this rule, (The term “Unit” means Kilo Watt Hour (kWh) or Kilo Watt (kW) or Horse Power (HP) or Kilo Volt Ampere (kVA), in accordance with the relevant Regulations or the Tariff Orders issued by the Appropriate Commission.

(3) The quarterly report shall be submitted by the distribution licensee within thirty days from end date of the respective quarter and the State Commission shall examine the report, and issue it with corrections, if any, in accordance with sub-rule (2), within thirty days of the submission.

(4) In case the subsidy has not been paid in advance, then the State Commission shall issue order for implementation of the tariff without subsidy, in accordance with provisions of the section 65 of the Act.

(5) If subsidy accounting and the raising bills for subsidy is not found in accordance with the Act or Rules or Regulations issued there under, the State Commission shall take appropriate action against the concerned officers of the licensee for non-compliance as per provisions of the Act.

3. In the said Rules, the existing rule 20 shall be re-numbered as rule 21 and before rule 21 as so re-numbered, the following rule shall be inserted, namely:-

“20. Framework for Financial Sustainability: (1) The Aggregate Technical and Commercial loss reduction trajectory to be approved by the State Commissions for tariff determination shall be in accordance with the trajectory agreed by the respective State Governments and approved by the Central Government under any national scheme or programme, or otherwise.

(2) The trajectory for both collection and billing efficiency, for distribution licensee shall be determined by the State Commission in accordance with the trajectory approved under sub-rule (1).

(3) All the prudent costs of power procurement, incurred by distribution licensee for ensuring 24x7 supply of electricity to consumers under the Electricity (Rights of Consumers) Rules, 2020 and for meeting requirements

as per Resource Adequacy plan prepared under the Electricity (Amendment) Rules 2022 shall be taken into account, provided that the procurement of power has been done in a transparent manner or procurement price has been approved by the Appropriate Commission.

(4) All the prudent costs incurred by the distribution licensee for creating the assets for development and maintenance of distribution system in accordance with sub-section (1) of section 42 of the Act shall be pass-through:

Provided that such pass-through of the cost for the assets created by the distribution licensee shall be subject to following conditions:-

(i) the asset has been created in accordance with the capex roll out plan for the licensee approved by the respective State Commission.

(ii) the asset has been procured in competitive and transparent manner.

(iii) the asset is geo-tagged and properly recorded in Fixed Asset Register.

(5) Gains or losses accrued to distribution licensee due to deviation from approved Aggregate Technical and Commercial loss reduction trajectory shall be quantified on the basis of Average Power Purchase Cost and shared between the distribution licensee and consumers. Two third of the gains shall be passed on to the consumers in tariff and rest shall be retained by the distribution licensee. Two third of the losses shall be borne by the distribution licensee and rest shall be borne by the consumers.

(6) The operation and maintenance norms for distribution licensee shall be determined by the State Commissions in accordance with the guidelines issued by the Authority.

(7) Reasonable Return on Equity shall be permitted, with the assessment of overall risk and the prevalent cost of capital.

(8) The Return on Equity by the State Commission shall be aligned with the Return on Equity specified by the Central Commission for generation and transmission in its Tariff Regulations for the relevant period, with appropriate modification taking into account the risks involved in distribution business.

[F. No. 23/18/2022-R&R]

PIYUSH SINGH, Jt. Secy.

Note: The Principal Rules were published 2005 in the Gazette of India, Part-II, Section 3, Sub-section (i) vide number G.S.R 379 (E), dated the 8th June, 2005 and was last amended vide number G.S.R. 817 (E), dated 31st December, 2020 and vide number G.S.R. 911 (E), dated 29th December, 2022 and vide number G.S.R 466 (E), dated the 30th June, 2023.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ
(ಡಿ.ಬಿ. ಜನಾರ್ದನ)
ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
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ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-80

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 34 ಕೇನಿಪ್ರ 2023

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 06.10.2023.

ದಿನಾಂಕ: 07.08.2023 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ
Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Indian Telegraph Right of Way
(Amendment) Rules, 2023ರ Notification-GSR 594(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ
ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

NOTIFICATION

New Delhi, the 7th August, 2023

G.S.R. 594(E). —In exercise of the powers conferred by sub-section (1) and clause (e) of sub-section (2) of section 7 read with sections 10, 12 and 15 of the Indian Telegraph Act, 1885(13 of 1885), the Central Government hereby makes the following rules further to amend the Indian Telegraph Right of Way Rules, 2016, namely: -

1. (1) These rules may be called the Indian Telegraph Right of Way (Amendment) Rules, 2023.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Indian Telegraph Right of Way Rules, 2016 (hereinafter referred to as the said rules), after rule 9, the following rule shall be inserted, namely: -
“9A. Establishment of temporary overground telegraph infrastructure. – (1) In case of damage of any existing underground telegraph infrastructure for any reason, the licensee, whose existing underground telegraph infrastructure is damaged, may temporarily establish the overground telegraph infrastructure, in lieu of the damaged underground telegraph infrastructure, to restore the telegraph service for the period of sixty days from the date of reporting of damage of the infrastructure to the appropriate authority.
(2) No fee or compensation shall be charged by the appropriate authority for the establishment of temporary overground telegraph infrastructure under this rule”.
3. In rule 10 of the said rules, in sub-rule (5),—
 - (a) for the word and figure “rule 10B”, the words and figures, “rule 10A and rule 10B”, shall be substituted;
 - (b) after clause (c), the following clause shall be inserted, namely: -
“**(d) “street furniture”** means post or pole used for electricity, street light, traffic light, traffic sign, bus stop, tram stop, taxi stand, public lavatory, memorial, public sculpture, utility pole or any other structure or contrivance of such nature established over the property of an appropriate authority.”.

4. In rule 10A of the said rules,—

(a) after sub-rule (1), the following sub-rule shall be inserted, namely: —

“(1A) The licensee shall have the option of submitting single application for multiple sites and appropriate authority shall make due provisions for accepting such applications and issuing single permission for multiple sites accordingly for establishment of small cells.”.

(b) for sub-rule (5), the following sub-rule shall be substituted, namely: -

“(5) The appropriate central authorities shall permit deployment of small cells and shall charge no administrative fees or compensation for deployment of small cells on buildings and structures vested in or under their control as per Part-I or Part-III of the Schedule:

Provided that the charges shall be levied for power (as per Industry tariffs), fixtures etc. provided by building owners as per actuals and licensee shall restore the damage done during deployment of small cells”.

5. For the Schedule of the said rules, the following schedule shall be substituted, namely:—

“THE SCHEDULE

[See rules 5 (3), 6 (1B), 6 (2) (a), 6 (3), 9 (3), 9 A (2), 10 (2), 10 (3) (a), 10A (2), 10A (4), 10 A (5)]

Rule	Item	Amount
(1)	(2)	(3)
Part-I Fee		
5(3)	For establishment of underground telegraph infrastructure	One thousand rupees per kilometer.
9(3)	For establishment of overground telegraph infrastructure	(i) Ten thousand rupees for establishment of mobile towers (ii) One thousand rupees per kilometre for establishment of overground telegraph line. (iii) Nil for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of appropriate central authority (iv) One thousand rupees per pole for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of appropriate authority, other than appropriate central authority.
9 A (2)	For Establishment of temporary over ground Telegraph Infrastructure.	Nil.
10A (2)	For installation of small cells and telegraph line using the street furniture	Nil.
10 A (5)	For the deployment of small cells on building or structures vested in or under the control of appropriate central authorities.	Nil.
Part-II Charges for restoration		
6(2)(a)	Establishment of underground telegraph infrastructure where undertaking is not given by the licensee to discharge the responsibility to restore the damages	Sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area.
6(3)	Bank guarantee as security for performance in case of establishment of underground telegraph infrastructure where undertaking is given by the	20 percent of the sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area,

	licensee to discharge the responsibility to restore the damages	if no rate has been prescribed by central public works department for that area.
10(3)(a)	Establishment of overground telegraph infrastructure	Sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area, further, licensee shall restore the damage incurred in case of establishment of poles for installation of Small Cells and telegraph line.
Part-III Compensation		
6(1B)	Establishment of underground telegraph infrastructure	Nil.
9 A(2)	For Establishment of temporary over ground Telegraph Infrastructure.	Nil.
10(2)	Establishment of Over Ground Infrastructure	Rates as the appropriate authority may, by general order, specify, if such property cannot be used for any other purpose. However, for establishment of poles for installation of small cells and telegraph line, compensation shall be Nil.
10A (4)	Usage of street furniture for installation of small cells and telegraph line	(i) For installation of small cells: Three hundred rupees per annum for urban area and one hundred and fifty rupees per annum for rural areas per street furniture. (ii) For installation of telegraph line: One hundred rupees per annum per street furniture.
10 A (5)	For the deployment of small cells on building or structures vested in or under the control of appropriate central authorities.	Nil”.

[F. No. 2-6/2023-Policy]

SUNIL KUMAR VERMA, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* notification G.S.R. 1070 (E), dated the 15th November, 2016 and subsequently amended *vide* G.S.R. 407 (E), dated the 21st April, 2017, G.S.R. 749 (E), dated the 21st October, 2021 and G.S.R. 635(E), dated the 17th August, 2022.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ
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ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
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ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-81

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 35 ಕೇನಿಪ್ರ 2023

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 06.10.2023.

ದಿನಾಂಕ: 09.08.2023 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ
Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Aircraft (Security) Rules, 2023ರ
Notification-GSR 596(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು
ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

MINISTRY OF CIVIL AVIATION**NOTIFICATION**

New Delhi, the 9th. August, 2023

G.S.R. 596(E).—Whereas, the draft of Aircraft (Security) Rules, 2022 were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of thirty days from the date on which copies of the Gazette containing the said notification were made available to public.

And Whereas, the proposed rules are to be issued in the light of Convention relating to the International Civil Aviation signed at Chicago on the 7th day of December, 1944;

And Whereas, copies of the Gazette containing the said notification were made available to the public on the 10th day of November, 2022;

And Whereas, the objections and suggestions on the said draft rules from the public have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sections 4, 5, sub-section (2) of sections 10, 10A, 10B, 12, 12A, 12B and read with Section 14 of the Aircraft Act, 1934 (22 of 1934), and in supersession of the Aircraft (Security) Rules, 2011, except as respects things done or omitted to be done before such supersession the Central Government hereby makes the following rules, namely: -----

CHAPTER I**PRELIMINARY**

1. Short title and commencement - (1) These rules may be called the Aircraft (Security) Rules, 2023.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions - (1) In these rules, unless the context otherwise requires, -

(a) “accompanied hold baggage” means baggage which is accepted for carriage in the hold of an aircraft and which is checked in by the passenger who is on board (hereinafter referred to as “hold baggage”);

(b) “Act” means the Aircraft Act, 1934 (22 of 1934);

(c) “acts of unlawful interference” means acts or attempted acts such as to jeopardize the safety of civil aviation, including, but not limited to –

(i) unlawful seizure of aircraft;

(ii) destruction of an aircraft in service;

(iii) hostage-taking on board aircraft or on aerodromes;

(iv) forcible intrusion on board an aircraft, at an airport or on the premises of an aeronautical facility;

(v) introduction on board an aircraft or at an airport of a weapon or hazardous device or material intended for criminal purposes;

(vi) use of an aircraft in service for the purpose of causing death, serious bodily injury, or serious damage to property or the environment; and

(vii) communication of false information such as to jeopardize the safety of an aircraft in flight or on the ground, of passengers, crew, ground personnel or the general public, at an airport or on the premises of a civil aviation facility.

(d) “aerodrome entry permit” means the identity card, issued by the Director General or any person authorised by the Central Government as per guidelines issued by the Central Government and used for entry into an aerodrome or any part of an aerodrome;

(e) “aerodrome operator” means a person, organisation or enterprise responsible for operation and management of an aerodrome;

(f) “aircraft operator” means a person, organisation or enterprise engages in or offering to engage in an aircraft operation;

(g) “airside” means the movement area of an aerodrome, adjacent terrain and building or portions thereof, access to which is controlled;

- (h) “Annex 17” means Annex 17 to the Convention relating to International Civil Aviation signed at Chicago on the 7th day of December, 1944 as amended from time to time;
- (i) “aviation security” means a combination of measures, human and material resources intended to be used to safeguard civil aviation against acts of unlawful interference;
- (j) “Aviation Security Group” means a unit of specialised Government agency authorised by the Director General to safeguard civil aviation against acts of unlawful interference and for the protection of property at the aerodrome handling civil aviation;
- (k) “background check” means a check of person’s identity and previous experience, including any criminal history and any other relevant information, as part of the assessment of an individual’s suitability to implement a security control or for unescorted access to the aerodrome;
- (l) “business establishment” means such entities located in specified areas at an aerodrome, which are engaged in carrying out business activities or providing any service or both, for financial returns;
- (m) “cabin baggage” means a baggage intended for carriage in the cabin of an aircraft;
- (n) “cargo” means any property carried on an aircraft other than mail, stores and accompanied or mishandled baggage;
- (o) “catering stores” means all items, other than catering supplies, associated with passenger inflight services, for example newspapers, magazines, headphones, audio and video storage devices, pillows and blankets, and amenity kits;
- (p) “catering supplies” means food, beverages, other dry stores and associated equipment used on board an aircraft;
- (q) “certification” means a formal evaluation and confirmation by or on behalf of the Director General for aviation security that a person possesses the necessary competencies to perform assigned functions to an acceptable level as determined by the Director General;
- (r) “Convention” means the Convention related to International Civil Aviation signed at Chicago on the 7th day of December, 1944;
- (s) “Director General” means Director General of Bureau of Civil Aviation Security, appointed under section 4B of the Act, who shall also be appropriate authority for the requirements of Annex 17;
- (t) “entity” means a person or a group of persons or a company, including but not limited to an aerodrome operator, aircraft operator, ground handling agency, regulated agent, fuel farm, maintenance, repair and overhaul, catering establishment, business establishment, and any other category as may be included by the Central Government or an officer authorised on its behalf for such purposes, from time to time and has its direct or indirect place of business, provides any service, facility, carries out any commercial or financial activity, or any other legal transactions, at the airport or on the premises of a civil aviation facility;
- (u) “express cargo” means goods other than mail and accompanied or baggage involuntarily or inadvertently separated from passengers or crew which is required to be carried on priority basis by an aircraft operator;
- (v) “fuel farm” means an agency or company which stores and supplies aviation turbine fuel to the aircraft operator at any airport;
- (w) “ground handling agency” means an entity established for the purpose of providing ground handling services at an airport, and security cleared by the Director General;
- (x) “high-risk cargo or mail” means cargo or mail presented by an unknown entity or showing signs of tampering shall be considered high risk if, in addition, it meets one of the following criteria, namely: -
- (a) specific intelligence indicates that the cargo or mail poses a threat to civil aviation;
 - (b) the cargo or mail shows anomalies that give rise to suspicion; or
 - (c) the nature of the cargo or mail is such that baseline security measures alone are unlikely to detect prohibited items that could endanger the aircraft;
- (y) “in-flight security officer” means Government security personnel deployed on board an aircraft with the purpose of protecting that aircraft and its occupants against acts of unlawful interference;
- (z) “known consignor” means a consignor who originates a cargo or mail for its own account and whose procedures and establishment are approved by the Director General to allow the carriage of such cargo or mail on any aircraft;

- (za) “mail” means dispatches of correspondence and other objects tendered by and intended for delivery to designated postal operators to operate the postal service;
- (zb) “movement area” means that part of an aerodrome to be used for the take-off, landing, and taxiing of the aircraft, consisting of the maneuvering area and aprons;
- (zc) “National Civil Aviation Security Programme” means such written programme established by an officer authorised by Central Government to give effect to any Annex of the Convention with the prior approval of the Central Government to safeguard civil aviation operations against acts of unlawful interference;
- (zd) “person” includes an individual, a company, a firm, an association of person or a body of individual or any legal entity, whether incorporated or not, and a local authority;
- (ze) “Private Security Agency” means an agency licensed under the Private Security Agencies (Regulation) Act, 2005 (29 of 2005) and whose security clearance has been issued by the Director General;
- (zf) “prohibited article” means an object which can be used to commit an act of unlawful interference and which has not been properly declared;
- (zg) “regulated agent” means an agent, freight forwarder or any other entity which conducts business with an aircraft operator and provides security controls that are accepted or required by the Director General in respect of cargo, or mails to be transported by air;
- (zh) “regular employee” means an individual appointed, employed or engaged on regular basis and paid directly by the employer;
- (zi) “Schedule” means the Schedules appended to these rules;
- (zj) “Scheduled air carrier” means an air carrier which has received an Air Operator Certificate (Scheduled or Scheduled Commuter Operator) from the Directorate General of Civil Aviation;
- (zk) “screening” means the application of technical or other means which are intended to identify or detect weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference with civil aviation;
- (zl) “security audit” means an in-depth compliance examination of all aspects of the implementation of the National Civil Aviation Security Programme;
- (zm) “security clearance” means status granted to a person or entity allowing them access to sensitive aviation security information, access to restricted areas or to become eligible to operate at airport or any facility related with civil aviation after successful completion of a background check;
- (zn) “security control” means the method by which the introduction of weapon, explosive or other dangerous device, article or substance, which may be used to commit an act of unlawful interference, can be prevented;
- (zo) “security hold area” means the area between passenger screening checkpoint and boarding gate, into which access is controlled and additional security measures are applied;
- (zp) “security incident” means security occurrence which results in death or grievous hurt to a person or major damage to the property or major disruption to the civil aviation operations, or any act of unlawful interference which is assessed as security incident by the concerned security-in-charge of the entity who received the report, or the Director General or any other officer authorised by him in that behalf.
- Explanation: - For the purposes of this clause, the expression “grievous hurt” shall have the same meaning as assigned to it in the Indian Penal Code (45 of 1860);
- (zq) “security inspection” means an announced or unannounced examination of the effectiveness of the implementation of specific security measures;
- (zr) “security investigation” means an inquiry into any act or attempted act of unlawful interference against civil aviation or any alleged or suspected instance of non-compliance with National Civil Aviation Security Programme or other legal requirements pertaining to civil aviation security;
- (zs) “security occurrence” means any act of unlawful interference, or a compliance-breach of the provisions of the Act, or these rules, or National Civil Aviation Security Programme or directions issued by the Director General under the provisions of these rules and includes the identification or observation of a vulnerability that may endanger the civil aviation security;
- (zt) “security programme” means written measures specified by the Director General to be undertaken and adopted by an entity to safeguard civil aviation against acts of unlawful interference;

(zu) “security restricted area” means those areas of the airside of an aerodrome which are identified as risk areas where in addition to access control, other security controls are applied and includes but not limited to security hold area;

(zv) “stores (supplies)” means any goods intended for sale or use on an aircraft, including spare parts and other articles of equipment, whether or not for immediate fitting;

(zw) “security test” means a covert or overt trial of an aviation security measure which simulates an attempt to commit an unlawful act;

(zx) “sensitive aviation security information” means information which, if accessed by or disclosed to unauthorised persons, may create or may be used to exploit vulnerabilities or to commit an act of unlawful interference against civil aviation;

(zy) “specified” means the directions issued by the Director General;

(zz) “test object” means object approved by the Director General to test the efficacy of civil aviation security measures;

(zza) “terminal” means the building or group of buildings and includes arrival building, where screening of passenger, baggage, cargo and courier bag is done and boarding on aircraft and de-boarding takes place;

(zzb) “unidentified baggage” means baggage at an aerodrome with or without a baggage tag which is not picked up by or identified by a passenger or any other person;

(zzc) “vulnerable aerodrome area or point” means any facility on or connected with an aerodrome, which, if damaged or destroyed, would seriously impair the functioning of the aerodrome.

- (2) The words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act and rules made thereunder.

3. Role and responsibilities of Director General - (1) The Director General shall be responsible for carrying out regulatory and oversight functions in respect of matters relating to civil aviation security.

(2) Without prejudice to the generality of the fore-going power, the Director General may -

- (a) develop, implement, maintain and review the National Civil Aviation Security Programme consistent with the provisions of Annex 17 to the Convention to safeguard civil aviation operations against acts of unlawful interference and threat perception taking into account the safety, regularity and efficiency of flights;
- (b) make such orders as necessary to implement the National Civil Aviation Security Programme;
- (c) make provisions to respond immediately to meet any increased security threat;
- (d) coordinate activities between the departments, agencies and other government organisations, aerodrome and aircraft operators and other entities concerned with or responsible for the implementation of various aspects of the National Civil Aviation Security Programme;
- (e) develop, implement, maintain and review the National Civil Aviation Security Training Programme for personnel of all entities involved with or responsible for the implementation of various aspects of the National Civil Aviation Security Programme, which shall be designed to ensure the effectiveness of the said security programme;
- (f) make provisions to designate an authority at each aerodrome serving civil aviation who shall be responsible for coordinating the implementation of security controls;
- (g) develop, implement, maintain and review a National Civil Aviation Security Quality Control Programme to determine compliance with and validate the effectiveness of its National Civil Aviation Security Programme;
- (h) make provisions for security audit, inspection and test to be conducted on a regular basis, to verify compliance with the National Civil Aviation Security Programme and to provide for immediate and effective rectification of any deficiency;
- (i) carry out security risk assessment, and to develop guidelines and procedures to adjust relevant element of its National Civil Aviation Security Programme accordingly, based upon a threat assessment carried out by the national security agencies;
- (j) make provisions to carry out risk assessment for identified landside areas and to coordinate for establishing landside security measures;
- (k) frame guidelines for implementation of appropriate standards, practices, and procedures for

protection and preservation of critical civil aviation systems against cyber threats; and

- (1) issue directions and guidelines on any matter subsidiary or incidental to the matters referred to in this sub-rule.
- 4. National Civil Aviation Security Committee** - (1) On and from the date of publication of these rules, the National Civil Aviation Security Committee constituted by the Central Government, vide Order AV.13024/58/77-A, dated 18th November, 1977 shall be continued as a Committee for the purposes of these rules.
- (2) The Committee referred to in sub-rule (1) has been constituted with a view to coordinate security activities at the national level between the departments, agencies and other entities concerned with or responsible for the implementation of various aspects of the National Civil Aviation Security Programme.
- (3) The Committee shall consist of the following Members, namely: -
- (a) Secretary, Ministry of Civil Aviation as Chairperson – *ex-officio*;
 - (b) such other Members as may be determined by the Central Government; and
 - (c) the Director General as Member-Secretary-cum-Convener, *ex-officio*.
- 5. Airport Security Committee** - (1) All airport operators, whose security programme has been approved by the Director General, shall establish an Airport Security Committee in consonance with the National Civil Aviation Security Programme.
- (2) The Airport Security Committee referred to in sub-rule (1) shall assist the airport operator in its responsibility for coordinating the implementation of security controls and procedures as specified in the aerodrome security programme.

CHAPTER II

AVIATION SECURITY SERVICE

- 6. Aviation Security Group** - (1) Every aerodrome operator shall engage such number of personnel of government security agency as may be determined by the Central Government for performing security duties assigned to it under these rules.
- (2) The personnel engaged under sub-rule (1) shall be designated as Aviation Security Group and one officer of such group as Chief Aerodrome Security Officer by such government security agency.
- (3) The Aviation Security Group shall work under the general supervision and direction of the aerodrome-in-charge.
- (4) The aerodrome operator shall provide such facility and support to the Aviation Security Group as may be approved by the Director General.
- (5) In emergent situations, the Director General may order necessary changes in the deployment of Aviation Security Group.
- 7. Duties of Chief Aerodrome Security Officer** - The Chief Aerodrome Security Officer shall perform the following duties, namely: -
- (a) safeguarding of passengers, crew, ground personnel and other aerodrome users, aircraft, aerodrome and related facilities including vulnerable areas or points from acts of unlawful interference;
 - (b) enforcement of access control measures into the restricted area of the aerodrome;
 - (c) security of perimeter;
 - (d) screening of passengers and their cabin baggage;
 - (e) screening of persons other than passengers together with items being carried by them into the airside;
 - (f) screening of vehicles together with items contained within them, entering into the airside;
 - (g) surveillance within and around aerodrome area;
 - (h) enforcement of security measures including car parks, viewing gallery, aerodrome restaurant and areas close to movement area;
 - (i) maintenance of order and discipline in the aerodrome premises;
 - (j) supervise the movement of persons and vehicles in the security restricted areas;
 - (k) liaison with local police and intelligence agencies; and
 - (l) any other duty assigned by the Director General within the scope of authority under these rules.

8. **Disembarkation of unruly passenger** - The Chief Aerodrome Security Officer or any other Officer of the Aviation Security Group authorised by him in this behalf shall, on a written request of the pilot-in-command, assist him in disembarking any person from the aircraft on grounds of risk to safety and security of the aircraft, passengers and the crew.
9. **Private Security Agency** - (1) Every aerodrome operator shall engage such number of personnel of Private Security Agency as may be determined by the Central Government for performing security duties assigned to them.
(2) The Private Security Agency shall work under the operational supervision and direction of the Chief Aerodrome Security Officer and under the administrative supervision of the Aerodrome Operator.
(3) The Private Security Agency shall be trained as per standards determined by the Central Government and such standards shall, as far as practicable, be in conformity with the standards applicable to the Government personnel.

CHAPTER III

SECURITY CLEARANCE AND SECURITY PROGRAMME

10. **Security programme of aerodrome and aircraft operators** - (1) Aerodrome operator, aircraft operator, as the case may be, shall develop their respective security programme in consonance with the provisions of these rules and the National Civil Aviation Security Programme, and obtain approval of such programme by the Director General.
(2) The approved security programme shall be implemented and maintained by respective operators.
(3) Any amendment to such programme shall be made after the approval of the Director General.
11. **Commencement of operations by aerodrome and aircraft operators** - (1) No aerodrome operator or aircraft operator shall commence operation at aerodrome without obtaining approval of security arrangements through security vetting and security programme, as applicable, from the Director General.
Explanation. - For the purposes of this rule, the expression “security vetting” means an evaluation of the present and future security arrangements including the identification of vulnerabilities which could be exploited to carry out an act of unlawful interference, and the recommendation of requirements or corrective actions as specified in the National Civil Aviation Security Programme with regard to any aerodrome, aircraft, place, person or object.
(2) No entity shall commence operation at security restricted areas of an aerodrome without obtaining security clearance and approval of their security programme in accordance with provisions of the National Civil Aviation Security Programme, from the Director General, as applicable, unless exempted in writing by the Director General or the Central Government.
12. **Power to suspend or cancel security clearance and security programme** - (1) The Director General, after giving the entity an opportunity of being heard, and for reasons to be recorded in writing, may suspend for a period not exceeding one year or cancel or impose conditions in respect of any security clearance granted or security programme approved under these rules, where he has any reasonable grounds to believe and considers such action necessary, in the interests of national security or civil aviation security or if the entity has contravened or failed to comply with any condition of security clearance or security programme or provision of these rules.
(2) After conducting an enquiry by an officer authorised by the Director General, the suspension may be revoked or the security clearance or security programme may be cancelled.
13. **Renewal or review of security clearance and security programme** - (1) Each entity shall apply for renewal of its approved security clearance and security programme in such form as specified by the Director General.
(2) Each entity shall review its valid security programme periodically as specified by the Director General, and submit amendments or modifications, if any, for the approval of the Director General.
14. **Appointment of Chief Security Officer** - Each entity shall appoint a person, designated as Chief Security Officer or Aviation Security Compliance Officer, as applicable, having requisite qualification, training and experience in aviation security and entrust him with the responsibilities, as specified by the Director General.

CHAPTER IV

AVIATION SECURITY MEASURES

15. **Operation of entities at aerodrome** - No aerodrome operator shall himself operate at the aerodrome or allow any entity or person to operate, provide services or facilities, at security restricted areas of an aerodrome without

obtaining security clearance and approval of security programme as applicable and specified by the Director General.

- 16. Planning, design and lay-out of aerodrome** - (1) The planning, design and layout of the aerodrome shall be in accordance with the specifications provided in the National Civil Aviation Security Programme including -
- (a) security control applied to passenger, staff, baggage, cargo, courier, express parcel, mail, catering stores and supply, and any other item entering into the aerodrome;
 - (b) a description of significant features affecting the security of the aerodrome, such as residential areas or any other structure or natural boundary;
 - (c) protection and control of access to airside, security restricted area, facility and other vulnerable aerodrome area or points;
 - (d) installation, operation and maintenance of security equipment; and
 - (e) architectural and infrastructure related requirements.
- (2) Every aerodrome operator shall establish security restricted area at aerodrome serving civil aviation, in accordance with the security risk assessment carried out by the Director General.
- (3) Aerodrome operator shall make aerodrome design and facilities by integrating security requirements and provisions mentioned in the National Civil Aviation Security Programme.
- (4) Each aerodrome operator shall undertake construction of aerodrome or construction of new facilities at aerodrome or part thereof or alteration to existing design and facilities, which have aviation security implications and ramifications, after obtaining the written approval from the Director General.
- 17. Aerodrome perimeter** - Every aerodrome operator shall construct a perimeter wall of the height of 2.438 meter (8ft) with overhung fence of 0.457 meter (1.5 ft.) around the aerodrome:
- Provided that the Director General, keeping in view the threat or any other reason, may, by order, modify the specification of the perimeter wall or fence.
- 18. Provision of lighting, road for patrolling and observation post** - The aerodrome operator shall make the following security arrangements at the aerodrome, namely: -
- (a) lighting for perimeter and any other vulnerable area;
 - (b) all-weather road along with the perimeter for patrolling by the security personnel; and
 - (c) observation or command posts for the security personnel:
- Provided that the Director General may, taking into consideration the risk assessments, make such order in writing as may be deemed appropriate for security arrangements.
- Explanation.* - For the purposes of rule 17 and this rule, the expression “perimeter” means physical structure like wall or fence constructed for peripheral protection of the airside of an aerodrome and other facilities related with civil aviation to prevent unauthorised access to these areas.
- 19. Protection of facilities under aerodrome operator** - Every aerodrome operator shall identify, demarcate and protect all vulnerable areas or points and operations under him including technical and maintenance, power supplies, electrical sub-station, control towers and other building used by air traffic services and communication facilities.
- 20. Handling of unidentified baggage or suspicious object** - The aerodrome operator shall -
- (a) construct and maintain a protected and isolated area for placing a suspect or unidentified baggage, cargo, vehicles or aircraft or any other suspicious object; and
 - (b) take appropriate measures to assess, identify, get it investigated and disposed off.
- 21. Contingency Plan** - (1) The aerodrome operator shall, with the approval of the Director General, develop, implement and maintain contingency plans and provisions for additional security measures in case of security alert to deal with acts of unlawful interference;
- (2) The plans referred to in sub-rule (1) shall be tested and reviewed at such regular intervals as specified by the Director General.
- 22. Entry into aerodrome** - (1) The Central Government shall issue guidelines containing conditions for issuance and uses of aerodrome entry permit.
- (2) No person shall enter or be allowed to enter in an aerodrome unless he -

- (a) is a bona-fide passenger;
 - (b) has been issued with valid aerodrome entry permit;
 - (c) has been issued with valid visitor admission ticket; or
 - (d) permitted in writing by the Director General or Central Government.
- (3) No vehicle shall be permitted to enter into aerodrome or be allowed to remain in the airside unless such vehicle is -
- (a) issued with a valid vehicle entry permit; or
 - (b) especially permitted in writing by the Director General.
- (4) Any person, vehicle, permitted to enter into aerodrome shall comply with the conditions of such permit at all times.
- 23. Security measures related with vehicles** - Each aerodrome operator shall ensure to establish provisions for applying screening or other appropriate security controls to vehicles being granted access to airside, together with items contained within them, as specified by the Director General.
- 24. Issue of aerodrome entry permit and vehicle entry permit** - (1) The aerodrome entry permit and vehicle entry permit shall be issued as per **such** procedure laid down by the Central Government.
- (2) The aerodrome operator shall ensure that unused visitor admission tickets are always kept secured, and areas and systems being used for issuing aerodrome entry permit and visitor admission tickets are secured by access control systems.
- 25. Background check of employees** - Each entity shall ensure that the initial and periodic background checks for each employee working at the airside or having access to sensitive aviation security information are carried out in accordance with the procedure determined by the Director General.
- 26. Display of aerodrome entry permit and vehicle entry permit** - (1) The aerodrome entry permit shall be displayed by the holder conspicuously above waist level at all times while on duty.
- (2) The holder of a vehicle entry permit shall display such permit, on the left side of the front windscreen of such vehicle, at all times when the vehicle is in the airside.
- (3) The aerodrome entry permit is not transferrable unless subject to such grounds, exempted by the Central Government.
- 27. Surrender of aerodrome entry permit and vehicle entry permit** - The aerodrome entry permit and vehicle entry permit shall be surrendered, as applicable, to the Director General or to any person authorised by the Central Government in this behalf, as per procedure determined by the Central Government.
- 28. Maintenance and availability of stop list** - The authorised issuing authorities of entry permits shall maintain a stop list and each aerodrome operator shall make it available, at all access points and security restricted areas, to Aviation Security Group and other relevant entities exercising access control, as per procedure determined by the Central Government.
- 29. Reserved right of admission** - Notwithstanding anything contained in this rule, the aerodrome operator or the Director General, may, if he is satisfied that it is necessary or expedient so to do in the interest of security -
- (a) refuse admission to any person in the aerodrome; or
 - (b) require any person to leave the aerodrome.
- 30. Prohibition to carry weapons or explosive** - No person shall enter aerodrome or the aircraft with any weapon, firearm, ammunition or explosive:
- Provided that the provisions of this sub-rule shall not be applicable to -
- (a) the Aviation Security Group, armed forces and police personnel required to carry their weapon, firearms or ammunition in connection with the performance of their duties;
 - (b) bonafide passengers having valid permission from the concerned authority for carriage of arms and ammunition by air and for legitimate reasons; and
 - (c) to such test objects which are authorised by the Director General, for the purpose of testing the efficacy of aviation security.
- 31. Entry into security restricted area and security hold area** - (1) No vehicle, person and baggage or item or supplies or stores or tools of trade carried by such person shall be allowed to enter into the security restricted area without applying security controls as per procedures determined by the Director General.

(2) Before granting access to security hold areas, the Aviation Security Group shall screen every person, baggage, belongings, supplies, stores, unless, subject to such conditions, exempted in writing by the Central Government.

- 32. Security check before embarkation** - (1) Before embarkation, every originating passenger and transfer passenger boarding an aircraft and his cabin baggage, if any, shall be screened by an officer of the Aviation Security Group or an officer duly authorised in this behalf by the Director General.

(2) The provisions of sub-rule (1) shall be applicable to the transit passengers only if they disembark from the aircraft:

Provided that the provisions of this rule shall not be applicable to such persons as may be specified by the Director General by a written order.

Explanation. - For the purposes of this sub-rule, the expression “transit passengers” means passengers departing on the same flight as that on which they arrived.

(3) Aviation Security Group and aircraft operator shall protect the passenger and their screened cabin baggage from unauthorised interference from the point of screening to boarding the aircraft.

- 33. Prohibition on carriage of certain articles** - (1) The Director General may, by an order in writing, prohibit the carriage of certain articles on person or in baggage of passenger and crew member which, in his opinion, is likely to be used for committing acts of unlawful interference with civil aviation.

(2) Where prohibited articles are detected during screening, action shall be taken in accordance with the provisions of these rules or any other law for the time being in force.

- 34. Deployment of security staff by aircraft operator** - An aircraft operator shall engage only those personnel for security duties who are regular employees, whose background checks have been successfully conducted initially and periodically thereafter, and who are employed after proper selection, appropriate training and certification as specified by the Director General:

Provided that an aircraft operator may enter into a contract with an Indian scheduled carrier or an aerodrome operator for performance of security functions and engage for such security functions, regular employees of the Indian scheduled carrier or the aerodrome operator, as the case may be, who meet the requirements specified in the rule.

- 35. Security check or search of aircraft** - (1) Each aircraft operator shall carry out the check or search of his aircraft as specified by the Director General -

(a) before first departure of the day, only after all maintenance and cleaning staff have vacated and before embarkation of the passengers;

(b) between each flight before boarding of passengers after disembarkation; and

(c) as and when directed by him.

(2) Each aircraft operator operating to or from India shall ensure removal from the aircraft, any item left behind by passengers disembarking from flight and its disposal.

- 36. Access control to aircraft** - (1) The aircraft operator shall control access to aircraft and maintain surveillance from the security search or check till the departure of the aircraft.

(2) The aircraft operator shall secure the non-operational aircraft by maintaining surveillance and keeping the following security measures, namely: -

(a) cabin doors closed;

(b) aerobridges and ventral stairs secured, withdrawn or retracted;

(c) tamper evident stick-on security seals on panels, compartments and doors; and

(d) any additional security measures determined by the Director General from time to time.

- 37. Protection and access control of the cockpit door and flight-crew compartment** - Every aircraft operator shall, -

(a) ensure that cockpit doors of aircraft are locked during, all phases of flight, unless required to be opened for operational reasons;

(b) establish and maintain communication system between the flight crew and cabin crew during flight; and

(c) assign responsibility of access control of cockpit to pilot-in-command.

38. Deployment of In-Flight Security Officer - The aircraft operator shall-

- (a) carry such number of in-flight security officer on board a passenger aircraft, as the Director General may specify by an order in writing; and
- (b) declare to the pilot-in-command the number of in-flight security officers and their seat locations.

39. Security control for hold baggage – (1) The aircraft operator or the aerodrome operator, as the case may be, shall screen and protect hold baggage from unauthorised interference, from the point it is screened or accepted into the custody of the operator, as applicable, until departure of the aircraft on which it is to be carried, in such a manner as specified by the Director General.

(2) An aircraft operator shall carry out the identification and reconciliation of hold baggage in such manner as specified by the Director General by an order in writing.

(3) The aircraft operator shall ensure the screening of transfer hold baggage before loading into an aircraft:

Provided that the hold baggage screened at the point of origin and subsequently protected from unauthorized interference from the originating aerodrome to the departing aircraft at the transfer aerodrome, shall not be subjected to screening.

40. Carriage of prisoners in aircraft - The aircraft operator shall carry any prisoner, in such manner as specified by the Director General.

Explanation- For the purposes of this rule, the expression, “prisoner” means a person who is confined in any prison and includes a person who is arrested under any law for the time being in force.

41. Carriage of cargo, mail, catering supplies, catering stores and other stores - No aircraft operator shall accept on board any cargo, mail, catering supplies, catering stores and other stores and supplies unless appropriate security controls have been applied in such a manner as specified by the Director General.**42. Detention of aircraft** - The Director General or any other person authorised in this behalf by the Central Government may, for reasons to be recorded in writing, detain an aircraft if in his opinion, -

- (a) the aircraft has on board unauthorized arms, explosives or other sabotage devices which are likely to cause danger to the security of that aircraft;
- (b) the aircraft has on board a person who has gained entry in unauthorized manner or is likely to cause unlawful interference with civil aviation operation; or
- (c) the detention is necessary to secure compliance with any of the provisions of these rules.

43. Cargo, express cargo and mail - (1) Any cargo, express cargo, mail or courier bag intended to be carried on any aircraft, shall be subjected to appropriate security controls by regular employees of aircraft operator or regulated agent or known consignor, who are trained in accordance with the National Civil Aviation Security Training Programme.

(2) No cargo shall be loaded on to an aircraft without applying appropriate security controls including, but not limited to, X-ray screening and physical search:

Provided that the Director General may, by an order in writing and subject to such reasons as may be specified therein, exempt any cargo, express cargo or mail from the provisions of this rule.

44. Security control for Cargo, express cargo and mail by aircraft operator - (1) An aircraft operator accepting consignment from a regulated agent or known consignor for transportation on his aircraft shall, -

- (a) conduct inspection of such consignment as specified by the Director General;
- (b) ensure that additional security measures are applied to high-risk cargo or mail to mitigate the threat associated with it as specified by the Director General; and
- (c) ensure the safeguarding of such consignment against unlawful interference from the acceptance until it has been placed in the aircraft.

(2) An aircraft operator shall ensure, -

- (a) application of security controls on consignment to prevent acts of unlawful interference against civil aviation, which are accepted from a consignor or any authorised representative of the consignor, that is not a regulated agent or known consignor; and
- (b) that transfer cargo and mail are subjected to appropriate security controls prior to being loaded on aircraft as specified by the Director General.

- 45. Prohibition on carriage of certain goods** - (1) The Director General may, by an order in writing and subject to the reasons specified therein, prohibit the carriage of certain goods through cargo or courier bags or mail.
- (2) The consignment containing prohibited articles shall not be loaded on aircraft:
- Provided that the Director General may, by an order and subject to such conditions as may be specified therein, permit certain prohibited articles to be loaded on aircraft.
- 46. Security control for cargo, express cargo and mail by regulated agent** - (1) The aircraft operator may engage regulated agent for applying security control on cargo, courier and mail to be carried by air, who shall function as per the procedure determined by the Director General.
- (2) The regulated agent shall ensure, —
- (a) the safeguarding of consignment against unlawful interference from the acceptance until such consignment has been handed over to the security staff of the aircraft operator or staff of the security service provider;
 - (b) the security of his buildings, premises, transport facilities and cargo warehouses;
 - (c) that all related security documents of consignment are maintained;
 - (d) recruitment and training of security staff intended to apply security controls at regulated agent facility, as per such provisions determined by the Director General; and
 - (e) that additional security controls have been applied to high-risk cargo or mail to mitigate the threat associated with it as specified by the Director General.
- 47. Acceptance of catering supplies and stores by aircraft operator** - An aircraft operator shall not accept any catering supplies and stores from catering establishment for transportation by aircraft, unless security programme of catering establishment is approved by the Director General.
- 48. Responsibilities of Catering Establishment** - Each Catering Establishment shall ensure, -
- (a) the security of catering stores and supplies accepted at its facility through its regular employees; and
 - (b) the security of its buildings, premises and transport facilities through its regular employees or by such agency which is approved by the Director General;
- 49. Identification, risk assessment and security measures for protection of critical information and communication technology systems and data** - (1) Each entity shall identify its critical information and communication technology systems and data used for civil aviation purposes and, in accordance with a risk assessment and National Civil Aviation Security Programme, shall develop and implement appropriate security measures to protect it from unauthorised access, modification and use.
- (2) Each entity shall entrust the responsibility for securing critical information and communication technology systems and data to properly selected, recruited and appropriately trained staff.
- (3) The qualifications and eligibility criteria of staff referred to in sub-rule (2) shall be such as may be determined by the entity in consultation with the Central Government.
- 50. Detection of cyber-attack and cyber security response plan** - Each entity shall develop and implement processes and procedures for detecting unauthorised access to their critical information and communication technology systems and data and also establish a cyber-security response plan, with such parameters as specified by the Director General.

CHAPTER V

SECURITY OCCURRENCE OR INCIDENTS

- 51. Reporting of security occurrence or incident** - Every entity shall report the security occurrence or security incident as specified by the Director General.
- 52. Security investigation of security occurrence or incident** - (1) The Director General may, by an order in writing, direct security investigation of any security occurrence or incident, reported to him or which comes to his notice, and appoint an officer not below the rank of Assistant Director as an Inquiry Officer.
- (2) The Inquiry Officer referred to in sub-rule (1) shall conduct the inquiry by affording an opportunity of being heard to all concerned and submit a Report in writing to the Director General.
- 53. Power of Inquiry Officer** - For the purpose of inquiry, an Inquiry Officer shall have power, -
- (a) to require, by notice, the attendance of any person and entity;

- (b) to require any such person to make and to sign a declaration regarding the true nature of the statements made by him;
- (c) to cause the production of any required certificate, book, manual, record, list, notice, other document and article; and
- (d) to have access to and examine any aircraft or place.

CHAPTER VI

PROTECTION OF INFORMATION AND RECORDS

- 54. Protection of sensitive aviation security information** - All entities shall ensure that their security programme and other sensitive aviation security information and its contents are protected against unauthorised access, amendment and disclosure.
- 55. Unauthorised disclosure of sensitive aviation security information** - No person shall disclose any sensitive aviation security information, other than in such manner and to such person as specified by the Director General, which has been acquired by him for and during performance of his assigned duties unless such disclosure may be required under the Act, or these rules, or as may be required by the Central Government, or any officer authorised on its behalf, or process of law.
- 56. False statements, entries or unauthorised reproduction** - No person shall make or cause to be made, any of the following, namely: -
- (a) a fraudulent or intentionally false statement or alteration of any material information in any documents submitted to the Director General;
 - (b) a fraudulent or intentionally false entry or alteration of any material information in any record or report that is kept, made or used to show compliance of this rule;
 - (c) unauthorised reproduction or alteration or forgery of any report, record, document, security clearance, security programme, aerodrome entry permit, training certificates or any other permissions granted by the Director General or an officer authorised by the Director General.
- 57. Retention of Records** - Every entity shall retain the records of documents, data, or information in such manner and time as specified by the Director General.

CHAPTER VII

GENERAL

- 58. Security audit and security inspection** - (1) Any person, authorised by the Director General in writing may, at all reasonable times, enter any place or aircraft to which access is necessary to audit and inspect the facilities, services, equipment, documents and records for the purpose of compliance of National Civil Aviation Security Programme and with the provisions of these rules.
- (2) An entity shall, upon request from such authorised person, present records, data and all other information as requested.
- (3) Each entity shall develop, implement and maintain a written internal quality control programme, as applicable, in consonance with the National Civil Aviation Security Programme and the National Civil Aviation Security Quality Control Programme.
- 59. Security training of employees** - Each entity shall ensure that employees engaged by them, in security or non-security duties, are trained and qualified in initial and refresher training, as specified by the Director General in National Civil Aviation Security Training Programme.
- 60. Certification and competency of screener** - No entity shall deploy any employee for screening duties unless he is properly selected, appropriately trained and maintains required competencies through initial and refresher training in accordance with the National Civil Aviation Security Training Programme.
- 61. Installation, Operation and maintenance of security equipment** - (1) No entity shall install and operate any security equipment that does not meet the minimum specification criteria as determined by the Director General or the Central Government.
- (2) Each entity shall ensure that the security equipment deployed by them for aviation security purpose is maintained in operational condition.
- 62. Directions by Director General** - (1) The Director General may, in the interests of national security, issue such directions in written, consistent with the provisions of the Act and the rules made thereunder and such directions shall be binding on the persons to whom such directions are issued.

(2) The Director General may, by a general or special order in writing and subject to such conditions mentioned therein, exempt any aircraft or class of aircrafts or any person or class of persons from the operations of the directions issued under this rule, either wholly or partially.

- 63. General power to exempt** - The Central Government may, by a general or special order in writing and subject to such conditions mentioned therein, exempt any aircraft or class of aircrafts or any person or class of persons from the operations of the orders issued under these rules, either wholly or partially.

CHAPTER VIII

APPEALS, COMPOUNDING OF OFFENCES AND PENALTY

- 64. Appeals** - (1) Any person, aggrieved by an order passed by an officer in exercise of the powers conferred on him by these rules, may prefer an appeal, to first appellate officer having jurisdiction in the matter and is next higher in rank to the officer who has passed such order, within a period of thirty days from the date on which the copy of the said order is received by him:

Provided that the appeal may be entertained even after expiry of the period of thirty days, if the appellant or applicant has shown a sufficient reason for not filing the appeal within that period.

(2) The appellate officer may after giving the parties to the appeal, an opportunity of being heard, pass such order as he deems fit, confirming, modifying or setting aside the order appealed against.

(3) Notwithstanding anything contained in sub-rule (1), in case of an order passed by the Director General, the appeal shall lie to the Secretary to the Government of India in the Ministry dealing with the Civil Aviation matters and no further appeal shall lie against such order of the said Secretary.

(4) An order issued under section 5A of the Act shall not be appealable under this rule.

- 65. Offences and Compounding** - (1) For the purposes of sub-section (2) of section 10 of the Act, the Central Government directs that any person, who has contravened any rule as specified in Table 1 of First Schedule of these rules, shall be liable with the penalty as specified in paragraph 1 of the First Schedule.

(2) Subject to the provisions of section 12A of the Act, offences punishable under sections 10, 11, 11A and section 12 of the said Act and rules as specified in First Schedule to these rules, may be compounded by the Director-General or any other officer specially empowered under sub-section (4) of section 4B of the said Act, in accordance with the procedure as laid down in the First Schedule.

- 66. Penalties** - (1) Any person, who has contravened any rule as specified in the Second Schedule of these rules, shall be liable for imposition of penalty to the extent as laid down in Second Schedule and in accordance with the provisions of section 10A of the Act.

(2) The penalty shall be adjudicated by the designated officers or the appellate officer, as the case may be, in accordance with the procedure as laid down in the Second Schedule.

[F. No. AV-13024/11/2022-AS]

SHRI PRAMOD KUMAR THAKUR, Dy. Director General

FIRST SCHEDULE

(See rule 65)

Punishment and Compounding of Offences

1. Offences punishable under the Aircraft (Security) Rules, 2023 with imprisonment for a term not exceeding two years or with fine not exceeding one crore rupees, or with both and amount for compounding thereof:

Table I

Sl. No.	Subject matter of non-compliance	Relevant rule	Amount for compounding of offence committed by individual (in rupees)
1.	Non-compliance of rule 10 in respect of security programme of aerodrome and aircraft operators	sub-rules (1) and (2) of rule 10	Twenty-five lakh
2.	Non-compliance of rule 11(1) in respect of commencement of operations by aerodrome and aircraft operators	rule 11 (1)	Twenty-five lakh

3.	Non-compliance of rule 11 (2) in respect of security clearance and security programme of entities operating at aerodrome	rule 11(2)	Two lakh
4.	Non-compliance of rule 13 (1) in respect of renewal of security clearance and security programme by the entities before expiry of security clearance and security programme	rule 13(1)	one Lakh
5.	Non-compliance of rule 15 in respect of operation of entities at aerodrome without security clearance and security programme	rule 15	Two Lakh
6.	Non-compliance of rule 16 in respect of planning, design and layout of the aerodrome security	rule 16	Ten Lakh
7.	Non-compliance of rule 21 in respect of contingency plan by aerodrome operator	sub-rules (1) and (2) of rule 21	Two Lakh
8.	Non-compliance of the provisions of entry into aerodrome	sub-rules (2) and (3) of rule 22	Fifty thousand
9.	Contravention of rule 24(1) in respect of Issue of aerodrome entry permit and vehicle entry permit	rule 24(1)	One Lakh
10.	Non-compliance of the direction in respect of surrender of aerodrome entry permit and vehicle entry permit	rule 27	Ten thousand
11.	Contravention of rule 26(3) in respect of prohibition of transfer of aerodrome entry permit	rule 26(3)	Fifty thousand
12.	Non-compliance of the direction related with reserved right of admission under rule 29	rule 29	Fifty thousand
13.	Contravention of rule 30 in respect of prohibition to carry weapons or explosive	rule 30	Non - Compounding
14.	Contravention of the provision of entry into security restricted area	sub rule (1) of rule 31	Fifty thousand
15.	Contravention of provision in respect of entry into security hold area	sub rule (2) of rule 31	Fifty thousand
16.	Non-compliance of direction to carry deployed In-Flight Security Officer	rule 38	Non - Compounding
17.	Non-compliance of the direction issued under rule 42	rule 42	Non - Compounding

2. Amount for compounding of offences punishable under sections 10, 11, 11A and section 12 of the Aircraft Act, 1934 (22 of 1934):

Table II

Sl. No.	Offence and relevant section	Amount for compounding of offence committed by individual (in rupees)
1.	Offence punishable under sub-section (1) of section 10 (except the offence related to carriage of arms and explosives)	Twenty-five Lakh
2.	Offence punishable under section 11	Twenty-five Lakh
3.	Offence punishable under section 11A	Twenty-five Lakh

4.	Offence punishable under section 12	Amount provided for such offences
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3. Where such offence has been committed by the organisation, the amount for compounding of offences shall be as under: -

Table III

Contravention committed by	Number of employees	Amount for compounding of offence (in rupees)
Entity (small)	Up to 150 employees	200 per cent. of the amount as provided for such offences by the individual in paragraphs 1 and 2 of First Schedule, as applicable.
Entity (medium)	More than 150 and up to 300 employees	300 per cent. of the amount as provided for such offences by the individual in paragraphs 1 and 2 of First Schedule, as applicable.
Entity (large)	More than 300 employees	400 per cent. of the amount as provided for such offences by the individual in paragraphs 1 and 2 of First Schedule, as applicable.

Interpretation: (1) “Individual” means a natural person.

(2) “Employee” means an individual appointed, employed or engaged by the organisation whether contractual, temporary or permanent.

4. Procedure for compounding of offences.

(1) An application for compounding of an offence shall be made by the applicant to the Director-General or any officer specially empowered by the Central Government in this behalf in “Form A” along with the fee of one thousand rupees in such manner as determined by the Director-General.

(2) On receipt of the application for compounding, such officer shall examine the application based on the documents submitted and submissions made in the application.

(3) Such officer may call for any information, record or any other document from the applicant, if the same is considered relevant to the compounding proceedings and in case the contravener fails to submit the additional information or documents called for within the specified period, the application for compounding shall be liable for rejection.

(4) Such officer may issue notice to all the concerned of the case to participate in the proceedings.

(5) During the compounding proceedings, such officer shall, after giving an opportunity to the applicant of being heard, determine the amount for compounding of offence in accordance with the Tables of paragraphs 1, 2 and paragraph 3 and where the decision of such officer in respect the amount so determined is not acceptable to the applicant then the applicant shall submit the same in writing to such officer within three days or within such reasonable period as determined by such officer.

(6) After such submission by the applicant or non-submission with in such reasonable time, the compounding proceedings shall cease and the matter shall be proceeded further in accordance with the provisions of the Act and these rules and the officer shall prepare a report in respect of these proceedings.

(7) The amount for which the contravention is compounded shall be paid in the manner as specified by the Director General within the thirty days of the date of decision of compounding.

(8) In case a person fails to pay the amount for compounding within thirty days of the order, he shall be deemed to have never made an application for compounding of any offence under the provisions of the Act and these rules.

(9) The process of compounding of offences shall be completed expeditiously and not later than sixty days from the date of application and this period of sixty days may be extended up to ninety days by the Director General, for reasons to be recorded in writing, in exceptional circumstances.

FORM A (See rule 65) Application for compounding of Offence		
1.	Name(s) of the applicant	
2.	Address	
3.	Email Address	
4.	Phone No.	
5.	The Authority before whom the case is pending	
6.	Contravention of sections or rules	
7.	Brief facts of the case	
8.	Any other information relevant to the case	
9.	Prayer of the applicant	
10.	Fee and transaction details	
11.	Attachment, if any	

Verification

I _____, the applicant, do hereby declare that what is stated above is true to the best of my information and belief.

Name and signature of the Applicant

Date:

Place:

SECOND SCHEDULE

(See rule 66)

Penalties

(1) Classification of severity levels of contravention and penalties thereof: -

Table I

Sl. No.	Severity level (in rupees)	Individual	Organisation (Small)	Organisation (Medium)	Organisation (Large)
			Up to 150 employees	More than 150 and up to 300 employees	More than 300 employees
1.	Level -1	Ten thousand	Fifty thousand	One Lakh	Five Lakh
2.	Level -2	Fifteen Thousand	One Lakh	Five Lakh	Ten Lakh
3.	Level -3	Twenty-Five Thousand	Ten Lakh	Twenty Lakh	Thirty Lakh
4.	Level -4	Fifty Thousand	Twenty Lakh	Thirty Lakh	Fifty Lakh
5.	Level -5	Seventy-Five Thousand	Thirty Lakh	Fifty Lakh	Seventy-Five Lakh
6.	Level -6	One Lakh	Fifty Lakh	Seventy-Five Lakh	One Crore

Interpretation: -(1) “Individual” means a natural person.

(2) “Organization” means a body corporate or an association of individuals whether registered or not.

(3) “Employee” means an individual appointed, employed or engaged by the organization whether contractual, temporary or permanent.

(2) Contravention of rule(s) and severity level thereof, for determination of penalty amount by the designated officers or the appellate officer, as the case may be.

Table II

Sl. No.	Nature of contravention or non-compliance	Relevant rules	Severity level of contravention or violation or non-compliance
1.	Non-setting up of the Airport Security Committee	sub-rule (1) of rule 5	Level –1
2.	Amending security programme without the approval of Director General	sub-rule (3) of rule 10	Level – 3
3.	Non-reviewing of security programme by the entities	sub-rule (2) of rule 13	Level –1
4.	Not appointing the Chief Security Officer	rule 14	Level –2
5.	Contravention of rule 17 in respect of aerodrome perimeter	rule 17	Level –2
6.	Contravention of rule 18 in respect of provision of lighting, road for patrolling and observation post by aerodrome operator	rule 18	Level –2
7.	Contravention of rule 19 in respect of protection of facilities owned by aerodrome operator	rule 19	Level –2
8.	Contravention of rule 20 in respect of handling of unidentified baggage or suspicious object	rule 20	Level –2
9.	Contravention of sub-rules (1) and (4) of rule 6 in respect of deployment of Aviation Security Group and providing support and facility to them by aerodrome operator	sub-rules (1) and (4) of rule 6	Level –2
10.	Contravention of sub-rules (1) and (3) of rule 9 in respect of deployment of Private Security Agency	sub-rules (1) and (3) of rule 9	Level -1
11.	Contravention of sub-rule (4) of rule 22 in respect of entry into aerodrome	sub-rule (4) of rule 22	Level –1
12.	Non-compliance of security measures related with vehicles	rule 23	Level –1
13.	Contravention of rule 25 in respect of background check of employees	rule 25	Level –1
14.	Contravention of sub rule (2) of rule 24 in respect of protection and access control of aerodrome entry permit and visitor admission ticket related system	sub rule (2) of rule 24	Level – 1

15.	Non-compliance in respect of display of aerodrome entry permit	sub rule (1) of rule 26	Level -1
16.	Non-compliance in respect of display of vehicle entry permit	sub rule (2) of rule 26	Level -1
17.	Non-compliance in respect of maintenance and availability of stop-list by aerodrome operator	rule 28	Level - 1
18.	Non-compliance of sub-rule (3) of rule 39 in respect of security check before embarkation by aircraft operator	Sub-rule (3) of rule 32	Level -4
19.	Contravention of sub-rule (2) of rule 33 in respect of prohibition on carriage of certain articles	sub-rule (2) of rule 33	Level -5
20.	Contravention of rule 34 in respect of deployment of security staff by aircraft operator	rule 34	Level - 2
21.	Non-compliance of sub-rules (1) and (2) of rule 35 in respect of security check and search of aircraft, and removal of item left behind by disembarking passengers	sub-rules (1) and (2) of rule 35	Level - 2
22.	Non-compliance of sub-rules (1) and (2) of rule 36 in respect of access control to aircraft by aircraft operator and securing of non-operational aircraft	sub-rules (1) and (2) of rule 36	Level - 4
23.	Non-compliance of protection and access control of the cockpit door and flight-crew compartment	rule 37	Level - 6
24.	Non-compliance of security control for hold baggage	sub-rule (1) of rule 39	Level - 5
25.	Non-compliance of identification and reconciliation of hold baggage	sub-rule (2) of rule 39	Level - 4
26.	Non-compliance of security measures for transfer baggage	sub-rule (3) of rule 39	Level - 2
27.	Contravention of rule 40 on carriage of prisoners in aircraft	rule 40	Level - 3
28.	Contravention of rule 41 on carriage of cargo, mail, catering supplies, catering stores and other stores	rule 41	Level - 2
29.	Non-compliance of sub-rules (1) and (2) of rule 43 in respect of cargo, express cargo and mail	sub-rules (1) and (2) of rule 43	Level - 2
30.	Contravention of sub-rules (1) and (2) of rule 44 in respect of security control for cargo, express cargo and mail by aircraft operator	sub-rules (1) and (2) of rule 44	Level - 2
31.	Contravention of sub-rules (1) and (2) of rule 45 in respect of prohibition on carriage of certain goods	sub-rules (1) and (2) of rule 45	Level -5
32.	Contravention of rule 46 in respect of security control for cargo, express cargo and mail by regulated agent	rule 46	Level - 4

33.	Contravention of rule 47 in respect of acceptance of catering supplies and stores by aircraft operator	rule 47	Level - 2
34.	Contravention of rule 48 in respect of responsibilities of catering establishment	rule 48	Level - 2
35.	Contravention of rule 51 in respect of reporting of security occurrence or incident	rule 51	Level - 1
36.	Non-compliance of the directions issued in exercising power of the Inquiry Officer under rule 53	rule 53	Level - 1
37.	Contravention of sub-rule (1) of rule 49 in respect of identification, risk assessment and protection of critical information and communication technology systems and data	sub-rule (1) of rule 49	Level - 1
38.	Contravention of sub-rules (2) and (3) of rule 49 in respect of security measures for critical information and communication technology systems and data	sub-rules (2) and (3) of rule 49	Level - 1
39.	Contravention of rule 50 in respect of detection of cyber-attack and cyber security response plan	rule 50	Level - 1
40.	Contravention of rule 54 in respect of protection of sensitive aviation security information	rule 54	Level - 1
41.	Contravention of rule 55 in respect of unauthorised disclosure of sensitive aviation security information	rule 55	Level - 2
42.	Contravention of rule 56 in respect of false statements, entries or unauthorized reproduction	rule 56	Level - 1
43.	Contravention of rule 57 in respect of retention of records	rule 57	Level - 1
44.	Denial of access to an authorized person for security audit and security inspection	sub-rule (1) of rule 58	Level - 1
45.	Contravention of sub-rule (2) of rule 58 in respect of security audit and security inspection	sub-rule (2) of rule 58	Level - 1
46.	Contravention of sub-rule (3) of rule 58 in respect of internal quality control by entities	sub-rule (3) of rule 58	Level - 1
47.	Contravention of rule 59 in respect of security training of employees	rule 59	Level - 1
48.	Contravention of rule 60 in respect of certification and competency of screener	rule 60	Level - 1
49.	Contravention of rule 61 in respect of installation, operation and maintenance of security equipment	rule 61	Level - 2
50.	Non-compliance with the directions issued under rule 62	rule 62	Up to level - 6. In case penalty has already been provided in any rule for

			the same contravention, then the penalty as specified for that rule shall prevail.
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3. Procedure for adjudication of penalty by designated officers: —

(1) The designated officer upon his satisfaction that a person has contravened any of the rule as specified in the Table II under paragraph 2 above, he may, after giving a reasonable opportunity of being heard to such person, by an order in writing, impose penalty in accordance with Tables I and II under paragraphs 1 and 2 respectively, upon such person, stating the nature of contravention, the provision of rules which have been contravened and the reasons for imposing such penalty along with the demand notice.

(2) The designated officer shall not proceed for imposition of penalty against a person, where it comes to his notice that the proceeding for suspension or cancellation of clearance, permit, certificate or approval as the case may be, has been initiated in pursuance of the section 10B of the Act for contravention of same rule on same cause of action.

(3) A copy of penalty order passed along with the demand notice by the designated officer shall be served upon such person by a recognized mode of service.

(4) The person aggrieved by the order issued under sub-paragraph (1), may prefer an appeal in the Form B along with the fee of one thousand rupees in the manner as determined by the Director General, within thirty days from the date on which the copy of order issued by the designated officer is received by such person.

(5) The appellate officer shall, after giving an opportunity of being heard to the appellant, pass a speaking order, confirming, modifying or setting aside the order issued by the designated officer.

(6) The copy of appellate order passed by appellate officer shall be provided to the appellant and the concerned designated officer.

(7) The designated officer, within thirty days from the date of the receipt of such order passed by the appellate officer, shall grant the effect to the order by issuing a revised demand notice to the person against whom the order has been passed for the amount of penalty imposed in the order.

(8) The penalty thus imposed shall be paid by such person in the manner as determined by the Director-General within thirty days of the service of demand notice upon the person.

(9) In case the person on whom the penalty is imposed fails to pay such amount of penalty within the time as stipulated in demand notice, then, the proceeding for cancellation or suspension of any license, certificate, authorization, permit or approval, as the case may be initiated under these rules.

<p align="center">FORM B (See rule 66) Form of appeal to the appellate officer</p>		
1.	Name(s) of Appellant	
2.	Address	
3.	Email address	
4.	Phone No.	
5.	Order No. with date, against which the appeal is preferred (Copy of the order to be enclosed)	
6.	Name and post of the designated officer by whom the order is passed	
7.	Contravention of rules for which order was passed	

8.	Operative part of order	
9.	Date on which the copy of order received by the appellant	
10.	Date of completion of 30 days limitation period	
11.	Brief facts of the case	
12.	Grounds of appeal	
13.	Prayer of the appellant	
14.	Fee and transaction details	

Verification

I _____, the appellant, do hereby declare that what is stated above is true to the best of my information and belief.

Name and signature of the Appellant

Date:

Place:

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ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ, ಬುಧವಾರ, ೧೧, ಅಕ್ಟೋಬರ್, ೨೦೨೩

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ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ
(ಡಿ.ಬಿ. ಜನಾರ್ದನ)
ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

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